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GENERAL HEADINGS.

Cases Reported this Week.

Current Topics.

The Work of the King's Bench Division.

WE CALLED attention last week to the necessity of taking steps to deal with the congestion of business in the King's Bench Division. We notice in Thursday's *Times* a statement that the Government propose to move for the appointment of two additional judges for that division.

Mr. Justice McCardie and the Motion of Censure.

WE PRINT under "In Parliament" the proceedings in connection with Mr. LANSBURY'S motion of censure on Mr. Justice MCCARDIE for using the following words in the course of his summing up in the *O'Dwyer Libel Case*:—

> "Speaking with full deliberation and knowing the whole of the evidence given in this case, I express my view that General Dyer, in the grave and exceptional circumstances, acted rightly, and, in my opinion, he was wrongly punished by the Secretary of State for India."

We call the motion one of censure and not for removal, because we do not suppose that Mr. LANSBURY really desired the removal of the learned judge or contemplated that it would be the result; and, indeed, this is evident from the ready way in which he accepted the Prime Minister's statement and withdrew the motion. As matters stand, therefore, it is only the Prime Minister's statement which is material, but we should also observe that Mr. Justice MCCARDIE'S summing up is not to be judged solely by the above extract. It began with a statement that he had never been in politics. Parenthetically we may say that if he had been, he would never have had time to amass that vast repertory of case law which makes his judgments a leading feature of the Law Reports. And he called attention to the prime duty of every Government to maintain order and repress anarchy, a duty which, translated into action by the responsible military authority, may become, in General DYER'S own words, a "horrible duty." Also he pointedly said to the jury that the question whether General DYER had acted rightly or wrongly was for them to decide.

The Independence of the Judges.

THAT A JUDGE, making it clear to the jury that the final decision rests with them, is entitled to express his view of the facts is clear from two cases in the Court of Appeal referred to in a very weighty article on the subject in the *Morning Post* of last Monday: *Ryan* v. *Oceanic Steam Navigation Co. Ltd.*, 1914, 3 K.B. 731, 759; *Jefferson* v. *Paskell*, 1916, 1 K.B. 57, 74. Mr. RAMSAY MACDONALD'S statement assumes that the words were unfortunate. From the politician's point of view that may be so. But a judge is not concerned with the politician's point of view, and there would be an end of the independence of the Judiciary if he were. Moreover, the Prime Minister insinuates that Mr. Justice MCCARDIE'S words took their tone from the atmosphere of "a lengthened and somewhat heated" trial, and were not deliberate, and that they were based on lack of information. But Mr. RAMSAY MACDONALD should know well enough that judges do not make statements with undeliberate haste. We can quite safely assume that Mr. Justice MCCARDIE'S words were as deliberate and impartial as the most considered judgment of a Lord Chancellor. And when the real issues before the jury are remembered, how was an opinion which might be "unfortunate" politically to be avoided? After many days of evidence a decision had to be made, first, whether General DYER committed an "atrocity" at Amritsar on 13th April, 1919; and secondly, if so, whether the plaintiff Sir MICHAEL O'DWYER "caused" that atrocity to be committed. That being so, how was the trial judge, in summing up the evidence, to avoid giving an indication of the manner in which it had struck him, and if he was to do so, how could he do it better than in words which were well-weighed and carefully chosen? Mr. MACDONALD implies that the judge made a pronouncement "upon issues involving grave political consequences which were not themselves being tried." Quite the reverse was the case. Mr. Justice MCCARDIE'S pronouncement was made directly upon the leading issues raised in the case, and it was a pronouncement properly made in order to assist—not control—the jury in arriving at a verdict. There are many circumstances which may be unfortunate from a political point of view; a trial in which the conduct of public officers, civil or military, comes in question is one of them. But the prime object on any such occasion is to maintain the independence of the Judiciary, and, notwithstanding the form of the Prime Minister's statement, we see no reason to doubt that this has been done on the present occasion. There is no judge on the bench who need fear the tenure "*Quamdiu se bene gesserit.*"

The R.S.P.C.A. Centenary.

THE CENTENARY of the Royal Society for the Prevention of Cruelty to Animals, which is being celebrated this week, calls to mind the useful work which that Society has been and is doing, for many years with the late Mr. JOHN COLAM as secretary—our recollection does not go back to his predecessors—and now of Capt. E. G. FAIRHOLME. In the paper on "The Birth and Progress of the R.S.P.C.A." which Capt. FAIRHOLME read on Monday at the International Humane Congress held in connection with the centenary celebrations, he pointed out how the first attempt to secure the passing of a measure for the protection of animals was made in April, 1800, when Sir W. PULTENEY introduced a Bill in the House of Commons to stop bull-baiting. This effort failed, and a similar effort made in 1802 also failed. In 1809 Lord ERSKINE, L.C., introduced into the House of Lords a Bill "for preventing wanton and malicious cruelty to animals," which passed through the Upper House, but was defeated in the Commons. In 1821 RICHARD MARTIN introduced a Bill to prevent the ill-treatment of horses and other animals. The Bill passed the Commons, but was lost in the Lords. The matter became more practical when in 1824 the Rev. ARTHUR BROOME succeeded in forming the Society, now known as the Royal Society for the Prevention of Cruelty to Animals, a title assumed in 1840 at the command of QUEEN VICTORIA, who before her accession had become a patron. The work of the Society was assisted by the Cruelty to Animals Act of 1849 and subsequent statutes, and these were amended and consolidated by the Protection of Animals Act, 1911. At the Centenary Banquet on Wednesday the Prince of Wales referred to the Society as one which has the sympathy of all right-minded people, a Society whose existence was as safe as that of any of our great national institutions. The praise is well deserved.

The Rodeo Summonses and Contempt of Court.

THERE CAN be no doubt that comment on a pending trial of an issue of fact, whether before a jury or justices of the Peace or a Recorder or Stipendiary, is "contempt of court," if it is calculated to affect the decision of the court or otherwise prejudice the issue to be tried. But there must be a real danger of "prejudice"; the court will not treat comment in a newspaper as "contempt" if it is studiously moderate and is only a natural expression of public opinion which carefully avoids any appearance of dictating to the tribunal; this seems to be the purport of Lord HEWART'S judgment in *Ex parte Cochran, Times*, 24th inst. The *Star* had very naturally commented on a reply of the Home Secretary in the House of Commons, intimating that he had no power to prohibit "Rodeo" contests at Wembley, and had suggested that, assuming him to have correctly advised that there was no legal cruelty, yet pressure of public opinion should be exercised to induce the directors of the Exhibition to stop what the newspaper, which was not alone in its opinion, considered to be an obvious case of actual cruelty to animals. At the time, however, when the articles appeared, the N.S.P.C.A. had taken out the summonses which are still pending—they were partly heard on Tuesday—and it might appear that there had been a technical contempt. But the Lord Chief Justice, in the course of his judgment, said that he did not think that the article went beyond what a public writer was fairly entitled to say on such an occasion and on such a topic, whether one agreed with what was said or not; and he added that it was impossible to say that the article was calculated to interfere with the due course of justice. The remaining two members of the court concurred, and the rule was refused. Of course, whether there was cruelty in law remains for the Justices to decide.

Attitude of Court Towards Applications to Commit.

THE ATTITUDE of the court towards this form of proceedings is neatly summarized by Lord RUSSELL OF KILLOWEN, L.C.J., in *R.* v. *Payne*, 65 L.J., Q.B., at p. 428, where he says, after having in an earlier part of his judgment observed that in his opinion applications for committal for contempt of court had of late become too numerous and that in his view certain recent decisions to which the attention of the court had been drawn had gone too far, "The true principle has, to my mind, been laid down by the Court of Appeal in *Hunt* v. *Clarke*, 58 L.J., Q.B., at p. 492 (see also 37 W.R., at p. 725) . . . I follow the judgment of the late Lord Justice COTTON, where he says: 'I express my opinion that if a thing is done wilfully which will really prejudice the parties to the cause before it comes on, I should not hesitate to commit to prison anyone who so offended; but, of course, that jurisdiction by the court is one which is only to be exercised in extreme cases, and it would be most unfortunate if this court or any court readily took upon itself to interfere in such a summary way, and in such an extraordinary way, unless there were really something which required the interference of the court in that way in order to ensure the due conduct of business' . . . Later on, in his judgment in *Hunt* v. *Clarke*, Lord Justice COTTON alludes to the case of *Re Clements, Republic of Costa Rica* v. *Erlander*, 46 L.J., Ch. 375, in which the late Master of the Rolls (Sir GEORGE JESSEL) said this: 'Therefore it seems to me that this jurisdiction of committing for contempt being practically arbitrary and unlimited, should be most jealously and carefully watched, and exercised, if I may say so, with the greatest reluctance and the greatest anxiety on the part of the judges to see whether there is no other mode which is not open to the objection of arbitrariness and which can be brought to bear upon the subject.'" In the judgment of WRIGHT, J., in *R.* v. *Payne*, *supra*, the value of giving wide publicity to the case of *Hunt* v.

Clarke, supra, is also emphasized. His lordship said: "The true principle which should guide us has been laid down in *Hunt* v. *Clarke*, and is this: that motions of this kind should never be made except in really serious cases. As that authority does not appear in the Law Reports, it is quite possible that it was not brought to the notice of the courts responsible for some recent decisions which go a greater length."

The Limits of Ministerial Control over Boroughs.

A SIMPLE issue came before the Court of Appeal in *R.* v. *Roberts: ex parte Scurr & Others, Times*, 24th inst. It will be recollected that the Divisional Court had discharged a rule *nisi* for *certiorari* obtained by certain members of the Poplar Borough Council, forming the majority of the councillors, and by a former mayor of the borough, against Mr. ARTHUR CARSON ROBERTS, the district auditor of the Ministry of Health. The auditor in question had made a certificate of disallowance and surcharge in respect of certain wages paid by the borough council to employees which were in excess of those sanctioned by the Ministry of Health and the appropriate Whitley Council. The councillors contended that they were not bound by the views of the Ministry of Health and Whitley Council, but could pay higher wages when they thought right to do. They therefore claimed that the surcharge was *ultra vires* of the auditor, and should be quashed by writ of *certiorari*. They failed in the Divisional Court, but the majority of the Court of Appeal, SCRUTTON and ATKIN, L.JJ., BANKES, L.J., dissenting, took the view that their contention was right. A borough council, the court held, is entitled to pay such wages as it thinks just, provided it satisfies two conditions (1) that its decision is *bonâ fide*, *i.e.*, it is not giving doles or bribes to supporters under the pretence of finding them employment, and (2) that the rate of wages is "reasonable." What constitutes reasonableness in rates of wages is a matter of opinion; a local authority is not bound to accept the standpoint recommended by the Ministry of Health or by a Whitley Council which fixes generally rates for the remuneration of municipal employees. It may pay either less or more within "reasonable" limits. Here the borough had by resolution fixed a minimum wage of £4 for all its adult male employees in the year 1921-22, to which the auditor's certificate related. The court felt that such a wage, although obviously in excess of ordinary rates, was not so excessive that it could be called "unreasonable," and that therefore the rate should not have been disallowed by the auditor. Under the Local Government Acts of 1888 and 1889 the accounts of borough councils are subject to audit by the district auditor, whose duty it is under s. 247 of the Public Health Act, 1875, to disallow any item of account which is "contrary to law." Now s. 62 of the Metropolitan Management Act of 1855, which is binding on London boroughs, confers on a London local authority power to pay suitable wages to its employees, but this power is governed by the general control of the Public Health Act, 1875, just quoted, and it is a well-established rule that "unreasonable expenditure" is "contrary to law." The court, however, has held that this expenditure is not "unreasonable."

The Impending Changes in Property Law.

WE CONCLUDE this week our statement of the changes in the Land Transfer Acts, 1874 and 1897, which are made by the Law of Property Act, 1922. We have in two previous sets of articles attempted to explain the other changes in the law:—in 66 SOL. J.—as to legal and equitable estates, 643; the repeal of the Statute of Uses, 662; mortgages, 678, 689, 705, 717; "estate owners" and equitable interests, 730, 737; the registration of land charges and bankruptcies, 749; the protection of purchasers, 758, 764; and vendor and purchaser, 774; and in 67 SOL. J.—the abolition of the Rule in *Shelley's Case*, 210; entailed interests, 223, 260; infants, 272; getting in outstanding legal estates, 292, 310; the Middlesex and Yorkshire Registries, 330, 347; land held in undivided shares, 362, 380, 398; the new scheme of interests in land, 418, 434; making title to land, 435, 453, 478. The latter set of articles was intended to deal with particular points arising in the working of the Act. It is generally known that the Act of 1922 will not come into operation in its present form, but that its dissected parts will be included with the present Conveyancing and Settled Land Acts, and other statutes, in consolidated form. The Bills for this purpose seem to be getting a little overdue.

The Amendments of the Land Transfer Acts.

(*Continued from p.* 715.)

VI.

IT will be seen from the summary in the preceding articles that nearly the whole of the recommendations contained in the Report of the Land Transfer Commission issued in 1911 have been adopted in Part X and Sched. XVI of the Law of Property Act, 1922. Rarely, perhaps, has the Legislature so completely given effect to the work of a Commission. But in general outline the system of Registration of Title remains unaltered. There is still the threefold choice of title—absolute, possessory, and qualified. Why qualified titles are retained it is a little difficult to understand. Our impression is that they rarely occur in practice, and unless a title is quite clear it is better to register it as possessory. But when the title is clear, it can be registered as absolute either at the instance of the applicant for registration, or, whether the applicant consents or not, by the registrar, and a possessory title can be converted by the registrar into an absolute title on a subsequent transfer for value. Hitherto an absolute title has not been really such until there has been a transfer for value. This protection is now extended to the first proprietor with absolute title.

Above the registered title and not affected by registration are the "overriding interests." This phrase is substituted for the awkward phrase of the 1875 Act—"liabilities, rights and interests not deemed to be incumbrances." They are, generally speaking, the matters, such as easements and tenancy agreements, which are mentioned in s. 18 of that Act, but the section has been amended by the Act of 1897 and again by the Act of 1922, and for the full list of overriding interests it will be convenient to wait for the Land Transfer Consolidation Bill. It is a great improvement that the requirement, on a sale, of a statutory declaration as to these interests has been abolished. In the examination of title to unregistered land they are matters for inquiry rather than of strict proof, and the statutory declaration required by s. 16 of the Act of 1897 as to matters declared not to be incumbrances has been embarrassing and of little use. Moreover, the register itself is to become, as far as practicable, a record of easements and restrictive covenants operating on the one hand as a burden, on the other as a benefit, according as the registered land is the servient or the dominant tenement.

Behind the registered title, and liable to be overridden by a registered transfer for value, are the "minor interests," that is, in general, equitable interests. And the efficacy of registration has been increased by the extension of the provision for keeping notices of trusts off the register. In this respect the Land Register will tend to become as effective as the Shipping Register. But the owner of a minor interest can protect himself by entering on the register a restriction, notice or caution, and then his interest cannot be overridden without his knowledge or acquiescence.

The new classification of legal and equitable estates, under which the only legal estate of freehold is the fee simple, with its corollary that the beneficial tenant for life becomes the legal owner in fee, has enabled a great improvement to be made in the registration of the title to settled land. Just as the tenant for life of unregistered land becomes at law the owner in fee simple, so, in the case of registered land, he becomes the registered proprietor, but the beneficial or minor interests will be protected by an appropriate restriction.

The possibility, affirmed by *Capital & Counties Bank* v. *Rhodes*, 1903, 1 Ch. 651, of the legal estate being severed from the registered title has been a serious blow at the simplicity and efficacy of registration and it is now excluded. The legal estate will be vested in the registered proprietor, and he can only deal with it by registered transfer.

The change with regard to mortgages is one of the most important. A registered charge will carry a legal estate; that is, it will operate as if it contained a demise for a term of 3,000 years. But mortgages off the register, protected by an entry on the register, will be permitted, and they will have "the like effect" as if the land had been registered: Act of 1922, s. 168 (1). Apparently, therefore, they can, if so expressed, vest in the mortgagee a legal estate, though this is a curious infringement of the principle just noticed, that the legal estate can only be dealt with by registered disposition. Subject to any changes which may be made in registration fees, there will be a substantial saving in using a mortgage off the register protected by entry on the register—that is, a specially prescribed caution—and this will probably become the usual form of mortgage. But it seems to be a considerable step towards making the register a register of deeds and not of title.

We need not add to our previous remarks as to the protection of title by possession, as to the extension of facilities for rectification of the register, and as to compensation for errors and omissions in the register; but, in conclusion, we may refer once more to the change which, from the conveyancing point of view, is, perhaps, the most important of all—the postponement of the effect of non-registration of a conveyance on sale in a compulsory district. The conveyance will be effectual in the first instance, and will only become void if the title is not registered within two months or such extended period as may be allowed by the registrar.

(Concluded.)

Proviso for re-entry in a Lease.

III.

(Continued from p. 713, and concluded).

(*b*) FURTHER, the provisions of s. 14 do not apply to a condition for forfeiture on the bankruptcy of the lessee, or on the taking in execution of the lessee's interest.

This exception has been modified by s-s. (2) of s. 2 of the 1892 Conveyancing Act, which provides, in effect, that the exception shall still remain effectual in the case of agricultural or pastoral land, mines or minerals, a public-house or beershop, or property to which personal qualifications of the tenant are of importance for the preservation of the value or character of the property; but that, as regards other classes of property, the exception is only to apply after the expiration of a year from the bankruptcy or taking in execution where no sale in the meantime has taken place, but, in case the lessee's interest be sold within the year, the exception is to cease to be applicable thereto. The result of these somewhat complicated provisions seems to be that in the case of agricultural and other property described above, where the lease contains a condition for forfeiture on the bankruptcy of the lessee or the taking in execution of the lessee's interest, on such event happening the lessor can re-take possession without observing the formalities of s. 14; but as regards other classes of property, s. 14 is still to remain in force for the period of one year from the date of the bankruptcy or execution, and is only to cease to have effect after the expiration of such one year, provided the lessee's interest be not sold within the year. Therefore, if the lessor should seek to enforce a forfeiture within a year of the bankruptcy on the ground of the bankruptcy of the lessee, he would have first to give the statutory notice: *Re Riggs; ex parte Lovell*, 1901, 2 K.B. 16; and relief may be given; but if he should wait until the year has expired, he need not give the statutory notice, and the Court would not grant relief: *ibid.*; *Horsey Estate, Limited* v. *Steiger*, 1899, 2 Q.B. 91; *Mitchell* v. *Henry Castle and Sons, Ltd.*, 94 L.T. 396; *Civil Service Co-operative Society* v. *McGrigor's Trustee, supra.*

The word "bankruptcy" includes liquidation by arrangement, and any other act or proceeding in law having, under any Act for the time being in force, effects or results similar to those of bankruptcy: Conveyancing Act, 1881, s. 2 (xv). The word will include a voluntary liquidation entered into solely for the purpose of amalgamation with another company: *Watney, Combe, Reid and Co.* v. *Ewart*, 1902, A.C. 187.

If the trustee in bankruptcy or, in the case of a company, the liquidator, wishes to obtain relief against forfeiture on the ground that he has sold the property within the year, the sale must be a real sale. That is to say, there must be either an actual conveyance of the property or an absolute contract for sale: *Mitchell* v. *Henry Castle & Sons, Ltd.*, *supra*; *Civil Service Co-operative Society* v. *McGrigor's Trustee*, *supra*; a conditional contract for sale will not be sufficient: *Robert Ferguson & Co., Ltd.* v. *Jane Ferguson*, 1924, 1 Ir. 22.

(*c*) In the case of a mining lease, to a breach of a covenant or condition for allowing the lessor to have access to or to inspect books, accounts, etc., or to enter or inspect the mine or the workings thereof.

Where a lessor is proceeding to enforce a right of re-entry on account of a breach of covenant in a lease, the lessee may, in the lessor's action, or in any action brought by himself, apply to the court for relief, and the court has wide powers to enable it to do justice: Conveyancing Act, 1881, s. 14, s-s. (2).

If relief be not sought and obtained by the lessee in the lessor's action, the lessee cannot, after judgment for possession has been given for the lessor, obtain relief: *Rogers* v. *Rice*, 1892, 2 Ch. 170. The court may, on the application of an underlessee, make an order vesting the property, or any part thereof, in such underlessee on conditions: Conveyancing Act, 1892, s. 4; *Ewart* v. *Fryer*, 1901, 1 Ch. 499; *Hurd* v. *Whaley*, *supra*. Under this section an underlessee may get relief in cases where the lessee could not. For instance, on a forfeiture by the lessee's bankruptcy or for breach of a covenant against assignment: *Cholmeley's School* v. *Sewell*, 1894, 2 Q.B. 906; *Imray* v. *Oakshette*, 1897, 2 Q.B. 218; but not where there has been negligence on the part of the underlessee: *Matthews* v. *Smallwood*, 1910, 1 Ch. 777.

It has recently been decided under the 1920 Increase of Rent and Mortgage Interest (Restrictions) Act, that where a lessee has incurred a forfeiture of his lease, an order for possession against the sub-lessee would not be justified having regard to s. 5 (5) and s. 15 (3) of the Act, unless, of course, the sub-tenancy had been wrongly created: *Ward* v. *Larkins*, 1923, W.N. 189.

It is by s. 20 of the 1922 Law of Property Act declared in effect that, for removing doubts, all rights of entry affecting a legal estate which by law are exercisable on condition broken, or for any other reason, by a person or his heirs or otherwise, are *assignable by deed or will*, and, subject to the rule against perpetuities, can be made exercisable by any person and the persons deriving title under him.

If a right of re-entry arises after the commencement of the new Act it will have to be protected by registration as a land charge: see s. 3 (5) (iii); Sched. 7, s. 1 (1) (*c*).

Section 78 of the same Act repeals the exception in s. 14, s-s. (6), as to a covenant or condition against assigning, underletting or parting with possession of the land leased, but only where the breach occurs after the commencement of the Act, and the section is not to apply where the land leased has been assigned, underlet, parted with, or disposed of, to a limited company.

Magna Carta: Sealed 23rd June, 1215.

ALTHOUGH each of the four original versions of *Magna Carta* which are still extant is dated 15th June, 1215, it is now generally accepted that this date is merely that of the drafts as presented to the King for acceptance; there followed some days of negotiations, and it was not until a week later—in fact, the evidence points to the 23rd June—that the somewhat obstinate John gave way to pressure and finally affixed his seal to the drafts. The evidence on this point, as well as a very instructive account of that week of "conferences," will be found in Professor

McKechnie's "Magna Carta," the first edition of which was published in 1905, and at once gained general recognition in the academic world as having opened a new chapter in the interpretation of the Great Charter. The researches and theories of Professor McKechnie have stood the test of time and criticism. They are now generally accepted as in substance correct.

McKechnie's chief contribution to legal history in his detailed commentary, chapter and line, of the Charter, consists in showing that *Magna Carta* was not in its origin a victory for popular liberty, although it became adapted to that end in a later period of our history mainly through the genius with which Coke, Selden and Pym interpreted it—or rather misinterpreted it—as a great repository of the supposed "liberties of our ancestors," our Anglo-Saxon ancestors before the Norman Conquest being really subjected to centralizing and bureaucratic control. As a matter of fact, King John had offended the privileged orders—clergy, nobles, burgesses, merchants, freeholders—by his attack on their privileges. They combined to secure these *privilegia* by the seal of a Royal Acknowledgment and Covenant affixed to the document we call "*Magna Carta*." This draft was carefully drawn up in concert so as to include all the privileges of the "vested interests," i.e., the special orders of society who, like the superior castes in the Hindu world, possessed under feudal custom special rights and immunities. It was later interpretation which put an extended meaning on each of those "rights" in turn, and gradually expanded it so as to secure to every subject "liberties" once belonging each to a special class. This transmutation of special class liberties into the general "liberty of the subject," of course, is now well understood to have been the great peculiarity which distinguished the growth of our Constitution from that of less favoured Continental countries.

One example of this must suffice. It is the familiar case of Chapter Forty-one, sometimes said to have established internal "freedom of trade" in England. Here, indeed, recent research has carried somewhat farther one of Professor McKechnie's principles, extending it into a region whither he himself had scarcely ventured. Chapter 41 runs: "*Omnes Mercatores*," and so on. The English translation is as follows: "All Mercatores [this must not be translated 'Merchants'] shall have safe and secure exit from England and entry to England, with the right to tarry there and to move about as well by land as by water, for buying and selling by the ancient and right customs, quit from all civil tolls (except in time of war such Mercatores as are of the land at war with us). And if such are found in our land at the beginning of the war they shall be detained, without injury to their bodies or goods, until information be received by us, or by our Chief Justiciar, how the Mercatores of our land found in the land at war with us are treated; and if our men are safe there, these shall be safe in our land."

Now *Mercatores*, of course, were simply a special privileged order of burgesses found everywhere in Europe, members of the *Gild Mercatoria*, who possessed the "freedom of the Gild" everywhere in Europe; their "Gild" was essentially cosmopolitan in its character and its privileges. They had a special monopoly of the right to carry on trade everywhere in England and in Christendom. Chapter 41 preserves for their Order its special "*privilegia*," whether its members be English born or aliens, just as other chapters preserve similar privileges for Nobles, Clergy, Freeholders. It was never intended to confer on every person, irrespective of class, a right to trade everywhere in England. But Coke and the great lawyers of the seventeenth century read into it a general grant to every subject of these immunities and liberties, so that the *privilegium* of the Order of *Mercatores* became the right to carry on a lawful trade now inherent in every subject (and lawful resident alien)—so fundamental, indeed, that a series of famous cases, such as *Quinn* v. *Leathem*, 1901, A.C. 495, have regarded it as a primary common law right which the law will vindicate against pressure and intimidation.

A minor point which is now generally accepted is that the Barons took the most stringent precautions to secure the safe preservation of the Great Charter. They were not content to obtain the Royal Seal affixed to one document, of which clerks might make copies. They thought it safer to have a large number of originals made and offered to the King for signature. Copies were to be distributed throughout all England, to be kept safe in strongholds and among the archives of cathedral chapters. Hence the King had a heavy task in the mere work of affixing his seal. Of these numerous originals no fewer than four still survive: (1) The British Museum copy, cited as "Cotton, Charters XIII, 31A; (2) A second Museum copy, formerly cited as "Cotton, Augustus II, 106"; (3) The "Lincoln Magna Carta" preserved in Lincoln Cathedral, and (4) The Salisbury Magna Carta, similarly preserved in Salisbury Cathedral. These have been gradually discovered at different periods of our history. All four versions are practically identical in their substance, but insertions of different kinds occur at the foot of all except the Lincoln copy. How and why these insertions were made is still an unsolved historical mystery.

Res Judicatæ.

Accidents in the Course of Employment.

(*Hewins* v. *St. Helens Colliery Co.*, H.L., *ante*, p. 163.)

By reversing *Hewins* v. *St. Helens Colliery Co.*, *supra*, although not professing to do more than place a different interpretation on the facts, the House of Lords—as Lord Shaw of Dunfermline pointed out in his able dissenting judgment, *ante*, p. 163—have once more thrown into doubt the precise interpretation which is to be placed on its own judgment in *Thom* v. *Sinclair*, 1917, A.C. 127. In that case Lord Shaw had given the following statement of the legal rule in language unsurpassed for lucidity: "My view of the statute is that the expression 'arising out of the employment' is not confined to the mere 'nature of the employment.' The expression, in my opinion, applies to the employment as such—to its nature, its conditions, its obligations, and its incidents. If by reason of any of these the workman is brought within the zone of special danger and is injured or killed, it appears to me that the broad words of the statute 'arising out of the employment' apply." The same rule was applied in *John Stewart & Son* v. *Longhurst*, 1917, A.C. 249, and has been constantly applied since by other courts. Now, however, it would seem, this principle must be interpreted much more narrowly than Lord Shaw's famous judgment, taken literally, would imply.

In *Hewins* v. *St. Helens*, the short facts were these: A mining company had an arrangement with a railway company which in accordance therewith provided special miners' trains to and from a residential town and the employers' pits, a distance of five or six miles. The employers issued tickets to miners at a reduced rate, which was deducted from their wages to meet the cost of running the train; these tickets were accepted by the railway company in accordance with their agreement. The applicant, while thus travelling in the special train, met with an accident and claimed compensation from his employers on the ground that it was part of the general conditions of his employment that he should reside in the town, travel by the special train to the pits, and assent to the deduction for this service made out of his wages. The House of Lords, overruling the decision of the lower courts, held that the accident did not "arise out of the employment," since the workman was under no legal obligation and no physical necessity to use the train. The decision of the House was based ostensibly on their interpretation of the facts, and does not directly purport to overrule the older cases such as *Cremins* v. *Guest, Keen & Nettlefolds*, 1908, 1 K.B. 469, which the Court of Appeal followed because they considered it indistinguishable from the facts of the present case. But, while not expressly departing from the hitherto accepted view of that case and of *Thom* v. *Sinclair*, *supra*, the House of Lords, by its majority decision, has so shaken the authority of *Cremins' Case* as to leave the matter in a great deal of doubt.

Sales under Compound Settlements.

(*Re Curwen & Frame's Contract*, 1924, 1 Ch. 581, *ante*, p. 459, P. O. Lawrence, J.)

We have already (ante, p. 453) stated the point decided in the above case, but we repeat it here because the full report appears in the current Law Reports. There was a settlement in 1892, under which the tenant for life had power to appoint a life estate to his wife surviving him. The remainder was limited to his first and other sons in tail. Later in 1892, the tenant for life, on the occasion of his marriage, appointed to his wife for her life, and he died in 1897, leaving issue. In 1914, the widow and the eldest son executed a disentailing assurance under which a life estate was reserved to the widow in restoration of her estate under the deed of appointment. There were Settled Land Act trustees of the settlement of 1892, but no other trustees had been appointed. The widow contracted to sell as tenant for life. The purchaser objected that there must be trustees of the compound settlement consisting of the three deeds, or at least of the settlement consisting of the original settlement and the deed of appointment. Clearly, however, the widow retained her original powers as tenant for life notwithstanding the disentailing deed, since those powers were inalienable: *Re Cope and Wadland*, 1919, 2 Ch. 376; and the real question was whether the widow derived that original power under the settlement of 1892, or under the settlement and the appointment. Mr. Justice P. O. Lawrence held that, since the appointment must be read into the settlement (see *Re Gordon & Adams*, 1914, 1 Ch. p. 113), the life estate arose under the settlement, and hence it was only necessary to have trustees of the settlement. Hence the purchaser's objection was unfounded. This is one of the complexities of conveyancing which will disappear when the Law of Property Act, 1922, comes into operation.

Reviews.

The Peace Treaties.

HERTSLET'S COMMERCIAL TREATIES. A Collection of Treaties and Conventions between Great Britain and Foreign Powers, and of the Laws, Decrees, Orders in Council, etc., concerning the same, so far as they relate to Commerce and Navigation, Slavery, Extradition, Nationality, Copyright, Postal Matters, etc., and to the Privileges and Interests of the High Contracting Parties. Special Collection of Documents relating to the Peace Settlement. Compiled from Authentic Documents, and Edited by C. S. NICOLL and W. L. BERROW, O.B.E., I.S.O., of the Foreign Office. Vol. xxix. H.M. Stationery Office, 1923. £1 12s. 6d. net.

The contents which we have set out above from the title page of this volume of the valuable Treaty Series, the compilation of which was commenced by Mr. Lewis Hertslet, and continued by Sir Edward Hertslet and Sir Cecil Hertslet and others, is a guide to the subject-matter of the whole series, but the present volume is a special volume, the contents of which are indicated at the end of the text in the title page. It is a special collection of documents relating to the Peace Settlement. Thus, it contains the full text of the Treaties of Peace with Germany (Versailles, 28th June, 1919), with Austria (Saint-Germain-en-Laye, 10th September, 1919), with Bulgaria (Neuilly-sur-Seine, 27th November, 1919), and with Hungary (Trianon, 4th June, 1920), and many incidental treaties relating to matters arising out of the war—a complete collection, it would seem, save only the Treaty of Lausanne, which will belong to a later date. The volume contains also the Orders in Council fixing the dates of the termination of the war with various enemy countries—Germany, 10th January, 1920, Austria, 14th July, 1920, and so on, and there is the agreement of 26th April, 1915, between the Allied Countries and Italy, under which Italy was induced to enter into the war on the side of the Allies. The volume contains cross references which facilitate its use, and references to Parliamentary Papers in which some of the documents have been already reproduced, but otherwise it only gives the text of the documents. As a complete collection up to the end of 1922 of Treaties and documents relating to the war it will be of great service to publicists and international lawyers, as well as to the practitioner who has to refer to the subject. It includes the Protocol signed at Geneva on 16th December, 1920, establishing the Permanent Court of International Justice.

Legal Maxims.

A SELECTION OF LEGAL MAXIMS, Classified and Illustrated. By HERBERT BROOM, LL.D. The Ninth Edition by W. J. BYRNE, Barrister-at-Law. Sweet & Maxwell, Ltd. £1 12s. 6d. net.

"Maxims," we read on the title-page of this well-known work in a quotation from Sir James Mackintosh, "are the condensed good sense of nations." And legal maxims are, we presume, the condensed good sense of lawyers. Or we might parody an oft-repeated saying: "Let me make the legal maxims of a people and I care not who makes their statutes." And if the late Dr. Broom, when he brought out the first edition in 1845, did not profess to make the maxims, he did a very similar work in collecting from many various sources and arranging those which had gained currency. He brought out four subsequent editions between 1848 and 1870, and the present editor says that the book had become something in the nature of a legal classic long before his death in 1882. In the later editions and also in the present the aim has been to alter Dr. Broom's work as little as possible, and in particular Mr. Byrne has made only such alterations as legislation and judicial decisions have made necessary since 1911 when the eighth edition was published.

But even with this limitation there has been plenty of editorial work to be done. Although legal maxims may be said to represent established principles, yet the output of judge-made and statute law which is always in progress frequently illustrates or qualifies them, and sometimes, also, the correctness of a maxim comes to be doubted. *Boni judicis est ampliare jurisdictionem* is a maxim often quoted, but judges of the present day—and good judges, too—are not inclined to act upon it. Indeed, we are reminded here that Lord Mansfield thought the correct reading was "*ampliare justitiam.*" Equally trite and equally fallacious is the maxim *lex non cogit ad impossibilia*, for it all depends on how the impossibility has arisen, and while in the nature of things no man can do the impossible, yet his liability in damages is only excused if an obligation imposed on him by law becomes impossible of performance, or if, the obligation being implied and not express, the impossibility has arisen from circumstances beyond his control: *Hick* v. *Rodocanachi*, 1891, 2 Q.B., p. 638. But where a man has expressly undertaken an obligation, impossibility of performance is no excuse: *Hadley* v. *Clarke*, 8 T.R., p. 267. Many cases are cited in illustration of these distinctions, and the real difficulty about the maxim is to define when it applies and when it does not. Similarly, while *caveat emptor* is the general rule both as regards sale of land and sale of goods, so that the purchaser of land must investigate the vendor's title, and the purchaser of goods cannot rely upon any warranty of quality, yet a vendor of land may be bound to disclose latent defects (see *Lucas* v. *James*, 7 Hare. 410, discussed in Williams' Vendor and Purchaser, 3rd ed., p. 756), and on a sale of goods there may be a statutory warranty under the Sale of Goods Act, 1893. We have cited a few of the best known maxims. Others will readily occur to the reader, but he will be surprised at the length of the list in which they are collected and arranged in alphabetical order. This list, which is given at the commencement of the book, includes at a rough computation some 650 maxims, and references are given to the pages at which they are discussed. It is a tempting pastime to find out a familiar maxim and trace its history in the text. As one more instance we take the useful rule of construction that an instrument must be so interpreted *ut res magis valeat quam pereat*, and we find it justifying the well-known principle—more familiar, perhaps, in the old conveyancing than now—that where a deed cannot operate in one way, it shall, if possible, produce the intended result by operating in another. Legal maxims are co-extensive with the law, and the commentator on legal maxims has a wide field to cover. To cover it completely would require a law library. It is surprising how much is included in "Broom," and the present editor is to be congratulated on the success with which the work has been revised and brought up to date.

The Law of Agency.

A DIGEST OF THE LAW OF AGENCY. By WILLIAM BOWSTEAD, Barrister-at-Law. 7th Edition. Sweet & Maxwell, Ltd. 27s. 6d. net.

"Bowstead" is now the leading treatise on the Law of Agency, a position acquired as the result of the extraordinary analytical skill shown by its author, who still is busily engaged in this, the 7th Edition of his book in devising short pithy propositions, which will embody in a few lines the principle of each leading rule. The scheme of the work is to set out the whole body of Agency Law in a series of Articles—there are 146 in number, which form a Code of the Legal Rules. Explanation at greater length is added to each article, with references to the cases on which it is based. This modern method of exposition is growing more popular in present-day law books, and at no very remote future will probably supersede the older, rather discursive, plan almost entirely.

Among sections in the present edition, specially useful to the average busy general practitioner, may be mentioned Articles 2-9 which define the position of various classes of agents; Chap. III, which covers the implied agency of married women to pledge their husband's credit; Article 39, which discusses the customary limits of authority in the case of solicitors, counsel, factors, brokers, auctioneers, and ship-masters; Article 74, which deals with solicitors' lien, and Chap. XI, which deals very fully with the thorny doctrine of "*Respondeat Superior*" so far as agents are concerned. Of course, all the latest decisions are incorporated, and the work is brought thoroughly up to date.

Current Law.

"LAW NOTES" YEAR BOOK. An Alphabetical Digest of the Statutes, Rules, Orders, and Cases of the Years 1921, 1922, and 1923. By the Editors of "Law Notes." The "Law Notes" Publishing Offices, 25 and 26, Chancery-lane, London.

In this volume the publishers have bound together the Digests for the three years above mentioned. The scheme of the book is, in the words of the Editors, "to put the practising lawyer in touch with current legal happenings—to furnish him with a guide to recent changes in the law." Thus, to take the last part of the volume, which runs from mid-December, 1922, to mid-December, 1923, we find under "Company Law" a list of some sixteen changes affecting company law and management, including the new Companies (Supreme Court) Fees Order, regulating fees (1) in winding-up proceedings and (2) in proceedings other than winding up, and references to the new Winding-up Forms; and under "Rent and Mortgage Interest Restrictions" there is a convenient summary of the three statutes of last year dealing with the subject. Current legal decisions are also noticed. As we have intimated, the subject-matter for the three years is kept separate in the form in which the earlier volumes were originally published, but the Index consolidates the contents for the three years.

Books of the Week.

Political Science.—The Government of France. By JOSEPH BARTHÉLEMY, authorised translation by J. BAYARD MORRIS, Scholar of Queen's College, Oxford. George Allen & Unwin, Ltd. Price 6s.

Accountancy.—Technical Costs and Estimates as applied to many different Industries, with forty-three Specimen and Explanatory Forms. By ANDREW MILLER, Company Secretary, Fellow of the Institute of Costs and Works Accountants. With Foreword by Sir W. ROWAN-THOMPSON, K.B.E. Gee & Co. (Publishers) Ltd. 10s. 6d. net.

The Minnesota Law Review.—June, 1924. Law School of the University of Minnesota. 60 cents.

CASES OF LAST SITTINGS.

Privy Council.

LOCH *v.* JOHN BLACKWOOD, LIMITED. 2nd June.

COMPANY—WINDING UP—GROUND FOR—NO CONFIDENCE IN MANAGEMENT—"JUST AND EQUITABLE"—*Ejusdem generis* DOCTRINE.

The jurisdiction to wind up a company on the just and equitable ground is not confined to cases ejusdem generis *as those enumerated in the previous sub-sections of s.* 127 *of the Barbados Companies Act, which is identical with s.* 129 *of the Companies (Consolidation) Act,* 1908.

This was an appeal from a judgment of the West Indian Court of Appeal. The appellants were petitioners for an order of the court for the winding up of John Blackwood, Limited, under s. 127 of the Barbados Companies Act which declared that a company might be wound up by the court if the court was of opinion that it was just and equitable that the company should be wound up. An engineering business was established many years ago by one John Blackwood in Barbados, and was carried on by him until his death in 1904. Under his will his estate was divided one-half to Mrs. McLaren, and one-quarter each to his niece Mrs. Loch and his nephew J. B. Rodger, lately deceased. Authority was given to his trustees to convert the business into a company with power to his trustees to act as directors and to Mr. McLaren to have the supreme control and management of matters connected with the business. The trustees were J. Murphy, who died in 1911, Mr. McLaren, the testator's sister's husband, and Mr. McLaren's clerk, H. A. Yearwood. A company was formed in January, 1905, and in 1919 Mr. Rodger died, the board of directors then consisting of Mr. and Mrs. McLaren and Mr. Yearwood. The capital of the company was £40,000 in £1 shares: £20,000 of these were allotted to Mrs. McLaren, and £10,000 should have gone to Mrs. Loch and £10,000 to Mr. Rodger. Mrs. Loch, however, was allotted 9,999, Mr. Rodger 9,899, and the three remaining shares were allotted one to Mr. McLaren, one to Mr. Yearwood, and one to Mr. King, who was Mr. McLaren's solicitor. Although taking the form of a public company the concern was practically a family concern, the preponderance of voting power being with the McLarens.

Lord SHAW said that, in the petition for winding up, eight different reasons were assigned therefor. The first was that the statutory conditions as to general meetings had not been observed, the second that balance profit and loss accounts and reports had not been submitted in terms of the articles, and the third was that the conditions as to audit had not been complied with. All these allegations were true, and it seemed to follow from the preponderance of voting power that there was considerable force in the fifth reason that it was impossible for the petitioners to obtain any relief by calling a general meeting of the company. The principal ground of the petitioners was that it was just and equitable that the company should be wound up. That last ground was affirmed by the Court of Common Pleas. The judgment of the court below proceeded on the view that the statutory prescription for winding up under s.s. (6), namely, when the court was of opinion that it was just and equitable, was restricted to cases *ejusdem generis* with those enumerated in the other sub-sections of s. 127 of the Barbados Companies Act. The board were of opinion that that was not the law. In the opinion of the board it was in accordance with the law of England, Scotland and Ireland, that the *ejusdem generis* doctrine, supposed to have been laid down by Lord Cottenham, did not operate so as to confine the cases of winding up to those strictly analogous to the five instances in the first five sub-sections of s. 129 of the British Act. It so happened that in several instances there had occurred circumstances analogous to those of the present case in regard to the domestic nature of the company and the permanent preponderance of voting power. Their Lordships were of opinion that the Chief Justice of Barbados who tried the case was correct when he said that the directors had laid themselves open to the suspicion that by omitting to hold meetings, submit accounts and recommend a dividend, their object was to keep the petitioners in ignorance of the truth and acquire their shares at an under-value. In 1920 the assets very substantially exceeded the £40,000 nominal capital, and Mr. and Mrs. McLaren and Mr. Yearwood at a directors' meeting voted £12,500 to Mr. McLaren and increased his salary as chairman from £1,100 to £2,000. Mr. McLaren then proposed to buy Mrs. Loch and the Rodger family out for £10,000, of which she was to have £8,000 and the Rodger family £2,000. No confidence in the directorate could survive such a proposal, and their Lordships expressed no surprise at the instant repudiation of the proposal by Mrs. Loch, and at the application for a winding up order. That application must succeed, the broad ground being that confidence in the management was, most justifiably, at an end. In justice, however, to Mr. McLaren, it must be said that the £12,500 has been refunded and the increase of salary repaid to the company. Their Lordships would humbly advise that the appeal should be allowed with costs and the order of the Court of Common Pleas restored with costs in both courts below. COUNSEL: *Wilton*, K.C. (of the Scottish Bar), and *Blanco White*; *Clauson*, K.C., and *W. Gordon Brown*. SOLICITORS: *E. Leslie Harris*; *T. M. Weir*.

[Reported by S. E. WILLIAMS, Barrister-at-Law.]

Court of Appeal.

WHITNEY *v.* INLAND REVENUE COMMISSIONERS.
No. 1. 28th May.

REVENUE—SUPER-TAX—LIABILITY OF NON-RESIDENT ALIEN TO ASSESSMENT—RECEIPT OF BRITISH INCOME EXCEEDING £2,000—SERVICE OF NOTICE ABROAD BY POST—NON-COMPLIANCE WITH NOTICE—FINANCE (1909-10) ACT, 1910, 10 Edw. 7, c. 8, s. 72—INCOME TAX ACT, 1918, 8 & 9 Geo. 5, c. 40, s. 7.

An alien non-resident in Great Britain, who is in receipt from British sources of an income exceeding £2,000 per annum, is liable to pay British super-tax upon it, and may be served with notice to make a return of his income for super-tax by registered post addressed to his residence. Upon failure by him to comply with such notice, the Special Commissioners have power to make an assessment upon him according to the best of their judgment.

Inland Revenue Commissioners *v.* Huni, 1923, 2 K.B. 563, *approved.*

Appeal from a decision of Rowlatt, J. The appellant, Mr. Harry Payne Whitney, an American citizen, resident in New York, appealed against assessments made upon him for super-tax in respect of his British income in the sums of £90,000 for each of the four years ending 5th April, 1918, 1919, 1920 and 1921. He had not at any time during the material years resided in the United Kingdom, but he and his wife held large blocks of shares in British companies, which in each material year declared and paid dividends out of profits. The dividends were remitted to the appellant and his wife directly by post. On 10th March, 1920, the Commissioners of Inland Revenue sent by registered post to the appellant in New York notices requiring him to make a return of his income for the purposes of super-tax for the financial years ending 5th April, 1918, 1919 and 1920. On 21st October, 1920, a similar notice was sent to the appellant as to the financial year ending 5th April, 1921. The appellant did not comply with any of these notices or make any return of income for super-tax. In the absence of any return the Special Commissioners made assessments according to the best of their judgment upon the appellant in respect of income received by him and his wife from sources in the United Kingdom, notices of which were sent to him. Notices of appeal against these assessments were given. It was admitted that all notices in the case were addressed to the proper address of the appellant in New York. The appellant appealed, and Mr. Justice Rowlatt confirmed the assessment. From this decision he appealed to the Court of Appeal.

The COURT dismissed the appeal.

POLLOCK, M.R., said the appeal must be dismissed. The case raised a puzzling point, and no doubt it was possible, until the facts were gone into, to suggest that it imposed some kind of hardship on persons resident abroad. Taking the Income Tax Act, 1853, or the later Act of 1918, to see if there was any liability to income tax on foreigners, by Schedule D to the Act of 1853, income tax was granted to the Crown in respect of the annual profits or gains accruing to any person whatever, whether a subject of Her Majesty or not, although not resident in the United Kingdom, from property in the United Kingdom. The dividends which the appellant and his wife received were from profits earned in the United Kingdom. The modern form of the schedule was similar, "the annual profits or gains arising or accruing (*iii.*) to any person whether a British subject or not,

although not resident in the United Kingdom, from any property in the United Kingdom." It was not indeed contested that the appellant and his wife were liable to super-tax on their British income, as that point was decided in *Brooke* v. *Inland Revenue Commissioners*, 1918, 1 K.B. 257, a decision binding both upon Rowlatt, J., and the present court, though Sir John Simon reserved the right to challenge it in a higher court. But, it was argued, assuming there was this liability to income tax, this was super-tax, and the question in the appeal was whether there was any machinery to establish the liability over persons resident abroad. In *Brooke* v. *Inland Revenue Commissioners*, *supra*, service of the notice was made personally on the appellant in England. It was said that it was impossible to use the system of giving notice by post to the person charged because super-tax was only an additional income tax, and the regulations for its collection were the same as for income tax. He (his lordship) wished to dissociate himself from the view that super-tax was in all its features similar to income tax, and referred to what was said by Lord Sterndale in *Davis* v. *Inland Revenue Commissioners*, 1923, 1 K.B. 373: "I think we have to approach this matter with this fact in mind: that super-tax is an additional income tax. In that sense it is not a separate tax. It has been so held in several cases; indeed, it appears perfectly clear from the statute which imposes super-tax. But if it be sought to deduce from this proposition that therefore all provisions with regard to income tax or super-tax are to be considered as common to them both, there is no foundation for such a deduction." However, it was said that super-tax was sufficiently akin to income tax to enable one to consider the regulations for collecting it. It was said that they must be regarded as limited to the powers of collection set forth in the older Income Tax Acts, and attention was called to s. 41 of the Income Tax Act, 1842, by which persons who were non-resident could be made liable through factors or agents residing here. In the succeeding sections there were a number of details all pointing to the delimitation of the powers of collection within certain areas. But the answer to that was that s. 41 and the following sections were not to be treated as imposing limitations on Schedule D. In *Tischler & Co.* v. *Apthorpe*, 52 L.T. 214; 2 Tax Cas. 59, Mathew and A. L. Smith, JJ., both pointed out that it was not a binding but an enabling section. And the Master of the Rolls, Lord Esher, agreed with that view when that decision came before him in *Werle & Co.* v. *Colquhoun*, 20 Q.B.D. 753, where he said (at p. 760): "I agree with the judgment of Mathew, J., in *Tischler* v. *Apthorpe* that if the Crown can find such an agent as is described in s. 41 they can assess him, but supposing they cannot, they must take such means as they are able to get at the person who should be assessed . . . I do not think the right to assess is limited by s. 41, which is mere machinery." Pausing there, it would seem that any embarrassing interpretation of the section would be wrong; it was not passed in derogation of the rights of the Inland Revenue. That view was considered in *Brooke* v. *Inland Revenue Commissioners*, 1917, 1 K.B. 61, where Atkin, J., said at p. 70: "These cases appear to show conclusively that in the case of a non-resident the Commissioners are not restricted to the means provided by s. 41." In other words, the schedule must be regarded as still intact and not in any way cut down by the language of the machinery sections. Another illustration of the wide powers of the Revenue was *R.* v. *Newmarket Commrs., Ex pte. Huxley*, 1916, 1 K.B. 788, where an infant was held liable to income tax in respect of his personal earnings. The argument based on s. 41 broke down on income tax. But on super-tax the matter became even more plain. The assessment to super-tax was entrusted to Special Commissioners not limited to any particular areas or parishes, but with jurisdiction over the whole country. His lordship referred to s. 72 of the Finance (1909-10) Act, 1910, giving power to the Commissioners to make regulations, and proceeded: They had made such regulations. But it was said that the construction of the regulations must be limited. He (his lordship) thought that the construction must be wide enough to ensure the collection of income tax and super-tax on the income produced by all property in Great Britain. Here the Commissioners had sent Mr. Whitney a notice of assessment, and the only question raised was whether there was power to send such a notice. It was always important to bear in mind that the charge created by Schedule D was imposed on the annual profits or gains accruing to any person from any property in the United Kingdom. The point was one which had really been decided in *Inland Revenue Commissioners* v. *Huni*, *supra*, by Rowlatt, J. He (his lordship) agreed with that judgment and thought the assessment was rightly made. The appeal therefore would be dismissed, with costs.

WARRINGTON, L.J., and SARGANT, L.J., delivered judgment to the same effect, the latter observing that the notice in the present case was within the proviso to Order XI, r. 8A, enabling the court to inform a person abroad of the existence and nature of proceedings affecting him.—COUNSEL: *Sir John Simon*, K.C., *Bremner* and *McMullan*; *Sir Patrick Hastings*, A.-G., *Sir H. Slesser*, S.-G., and *Reginald Hills*. SOLICITORS: *Clarke, Rawlins and Co.*; *The Solicitor of Inland Revenue*.

[Reported by H. LANSFORD LEWIS, Barrister-at-Law.]

ATTORNEY-GENERAL *v.* WESTMINSTER CITY COUNCIL.

No. 1. 3rd and 4th June.

LOCAL GOVERNMENT—CLOSING OF PUBLIC LIBRARY—USE OF LIBRARY BUILDING AS CITY HALL—*Ultra Vires*—INJUNCTION—ACTION BY ATTORNEY-GENERAL AT INSTANCE OF RELATORS—PUBLIC INTEREST—LAW OFFICERS' DISCRETION—PUBLIC LIBRARIES ACT, 1892, 55 & 56 VICT., c. 53, s. 12.

Although local authorities, acting as library authorities, have, under s. 12 of the Public Libraries Act, 1892, very wide powers in regard to the appropriation, sale, exchange, or letting of public library premises, they cannot close a library in order to use the library premises for administrative purposes. They must exercise their powers with the single purpose of library authorities, dealing with the land or premises solely for the provision of public libraries.

The question whether the law officers of the Crown should, either with or without relators, intervene in matters concerning the interests of the public, or the upholding of the law, is a question for the discretion of those officers, and cannot be inquired into by the court.

Dictum of James, L.J., in Attorney-General *v.* Great Eastern Railway Co. (27 W.R. 759; 11 Ch. D. 449, at p. 482) *doubted*.

Appeal from a decision of Tomlin, J., 68 SOL. J., 440.

The facts of this case are very fully set out in the report of the hearing before Tomlin, J. Under various Acts, local and public, in particular the Public Libraries Act, 1892, the defendants were the library authority for the public library in St. Martin's Lane, for the parishes of St. Martin-in-the-Fields, and St. Paul's, Covent Garden. The library, which had been opened in 1891, was closed during the war, and the premises used for national purposes by the defendants; and except during a period between April, 1919, and February, 1922, when the reference library on the first floor was re-opened, the library premises had not, since the early days of the war, been used as a public library. The defendants now proposed to use the library premises as part of their city hall. They offered the plaintiffs to establish a library, in place of that taken, in Wardour-street, at the expiration of a lease in five years' time. The Attorney-General, at the relation of the vicar of one parish, and the rector of the other, brought the action, claiming a declaration that the defendants were not entitled to use the public library in St. Martin's Lane for their own administrative purposes, or to incorporate it into the defendants' city hall, or to use it otherwise than as a public library, or otherwise than in accordance with the rights of the ratepayers and parishioners of the two parishes with respect thereto, and an injunction accordingly. Tomlin, J., held that there was no power under the relevant statutes, and no implied power, to use the library otherwise than as a public library, and granted the injunction. The defendants appealed. Upon the appeal, they raised the further point that the Attorney-General was not justified in bringing the action, James, L.J., having said, in *Attorney-General* v. *Great Eastern Railway Co.*, 11 Ch. D. 449, at p. 482, "There ought to be some plain and sufficient public mischief shewn to warrant a suit on behalf of the Sovereign or the public. It is not, in my opinion, sufficient to say the thing complained of is *ultra vires* . . . ."

The Court, without calling upon counsel for the plaintiff, dismissed the appeal.

Sir ERNEST POLLOCK, M.R., said that the question really turned on the meaning of s. 12 of the Public Libraries Act, 1892. Sub-section (2) gave the library authority power to appropriate land for a library, and s-s. (3) allowed them to sell or exchange land for that purpose. In both cases it was to be with the sanction of the Local Government Board (now the Board of Education), and in the present case no such sanction had been received. Sub-section (4) gave the authority power, without obtaining such sanction, to let any land vested in them for a library, but it did not seem that that sub-section was meant to contradict the two preceding ones, and if s-s. (4) gave them unrestricted powers of letting, as, for instance, for a long term of years at a peppercorn rent, the provisions of s-s. (3), which provided that land sold or exchanged must be replaced by other land for library purposes, would be rendered nugatory. He could not see that the defendants had the power claimed to use these library premises as part of the city hall. In exercising their powers as a library authority, they must exercise them with the single purpose of a library authority; they could not pool their powers and exercise them for the general purposes of the City of Westminster. They must maintain the purpose of a library authority and deal with the land as being for a public library. The second point raised was of great importance. The defendants contended that no useful purpose would be served by an injunction; that this was not a case for the intervention of the Attorney-General, and that his powers and duties were to be considered by the court, which should be satisfied that the case on its merits was a proper one for his intervention. In support of this point the defendants referred to a passage of the judgment of James, L.J., in *Attorney-General* v. *Great Eastern Railway*, *supra*. [His lordship read the

passage set out above.] The observations of James, L.J., were not accepted by Baggalay, L.J., who said, 11 Ch. D., at p. 500: "It is the interest of the public that the law should in all respects be respected and observed, and if the law is transgressed, or threatened to be transgressed, as, in my opinion, it has been by the Great Eastern Railway Company, it is the duty of the Attorney-General to take the necessary steps to enforce it, nor does it make any difference whether he sues *ex officio* or at the instance of relators." Having regard to the observations of James, L.J., it might be noted that Baggalay, L.J., who had himself had experience as a law officer, dissociated himself from them. In *Attorney-General* v. *London County Council*, 1901, 1 Ch., 781, Rigby, L.J., did not accept the view that the Attorney-General was to be tied down by rules in the exercise of his discretion, and when the case went to the House of Lords, Lord Halsbury said, 50 W.R. 497; 1902, A.C., at p. 168: "If there is excess of power claimed by a particular public body, and it is a matter that concerns the public, it seems to me that it is for the Attorney-General, and not for the courts, to determine whether he ought to initiate litigation in that respect or not." Lord Halsbury thought that James, L.J., in the passage relied upon did not intend to lay down any absolute rule of law, and said, 1902, A.C., at p. 169: "The initiation of the litigation, and the determination of the question whether it is a proper case for the Attorney-General to proceed in, are a matter entirely beyond the jurisdiction of this or any other court." He, Sir Ernest Pollock, could not doubt that the discretion of the Attorney-General had been exercised with due care and responsibility, and the court must accept it.

WARRINGTON and SARGANT, L.JJ., delivered judgments to the same effect.—COUNSEL: *Maugham*, K.C., and *Alan Ellis* for appellants; *Macmorran*, K.C., *Giveen*, and *W. L. Campbell* for respondents. SOLICITORS: *Allen & Son*; *Travers-Smith, Braithwaite & Co.*

[Reported by G. T. WHITFIELD-HAYES, Barrister-at-Law.]

LUXARDO *v.* PUBLIC TRUSTEE. No. 2. 27th March.

TREATY OF PEACE—AUSTRO-HUNGARIAN BANK—NATIONAL OF FORMER AUSTRIAN EMPIRE—TREATY OF PEACE WITH AUSTRIA, Arts. 206, 249—TREATY OF PEACE WITH HUNGARY, Arts. 189, 232.

The property in this country of the Austro-Hungarian Bank at the dates of the coming into force of the Treaty of Peace with Austria on 16th July, 1920, *and of the Treaty of Peace with Hungary on 26th July*, 1921, *is subject to the provisions of Art.* 249 (*b*) *of s.* 4 *of the Treaty of Peace with Austria, and Art.* 4 *of the Annex to s.* 4, *and to the corresponding provisions of the Treaty of Peace with Hungary, and Art.* 206 *and Art.* 249 *are quite independent of one another, and addressed to perfectly different matters. The provisions of Art.* 249, *which relate to private property, rights and interests in enemy country, are not overridden by the provisions of Art.* 206. *Similarly, the provisions of Art.* 232 *of the Treaty of Peace with Hungary are not overridden by the provisions of Art.* 189 *of the Treaty of Peace with Hungary.*

Decision of Romer, J., 67 SOL. J. 705; 1924, 1 Ch. 1, *affirmed.*

Appeal from a decision of Romer, J. The plaintiffs, the liquidators of the Austro-Hungarian Bank, appointed in pursuance of Art. 206 of the Treaty of Peace with Austria and Art. 189 of the Treaty of Peace with Hungary, claimed that the property of the bank in this country was not the subject-matter of the provisions of Article 249 (*b*) and Art. 4 of the Annex on the grounds (1) that the provisions of Art. 249 and of the corresponding article in the Treaty of Peace with Hungary, and the provisions of the Orders in Council giving effect to those articles, did not in terms apply to the bank, and (2) that even if those articles and orders did in terms apply to the bank and its property here, the Treaties of Peace contained special provisions relating to the bank with which the articles in question did not, and were not intended to, interfere, and that the presumption of law recognised and applied in *Barker* v. *Edger*, 1898, A.C. 748, applied to this case. Article 249 (*b*) provided that, subject to any contrary stipulations provided for in that Treaty, the Allied and Associated Powers reserved the right to retain and liquidate all property, rights and interests which at the date of the carrying into force of the Treaty belonged to nationals of the former Austrian Empire or companies controlled by them, and were within the territorise, colonies, protectorates and possessions of such Powers, that such liquidation should be carried out in accordance with the laws of the Allied or Associated State concerned, and that the owner should not be able to dispose of such property, rights and interests, or subject them to any charge without the consent of that State. By Art. 4 of the Annex to s. 4 it was provided that all the property, rights and interests of nationals of the former Austrian Empire within the limits of any Allied or Associated Power, and the net proceeds of their sale, liquidation or other dealing therewith, might be charged by that Allied or Associated Power with certain payments. By the Treaty of Peace (Austria) Order, 1920, it was provided (*inter alia*) that s. 4 of the Annex thereto of the Treaty of Peace should have full force and effect as law, and that for the purpose of carrying out the same, all property, rights and interests within His Majesty's Dominions or Protectorates belonging to nationals of the former Austrian Empire of the date when the Treaty came into force, and the net proceeds of their sale, liquidation or other dealing therewith, should be thereby charged with certain payments in respect of claims of British nationals. Romer, J., held that the provisions relating to private property, rights and interests in an enemy country, as set out in Art. 249 of the Treaty of Peace with Austria and Art. 232 of the Treaty of Peace with Hungary, were not overridden by the special provisions relating to the Austro-Hungarian Bank in Art. 206 of the Treaty of Peace with Austria and in Art. 189 of the Treaty of Peace with Hungary. The plaintiffs appealed.

BANKES, L.J., in giving judgment, said the question depended on the construction of the Treaty of Peace with Austria of 1919. The Austro-Hungarian Bank came into existence and was formed as a State bank to carry on its operations in Austria and Hungary, and considerable precautions were taken that neither country should have predominance over the other in reference to the control and management of the affairs of the bank. The Treaty of Peace contained provisions in reference to the property of nationals of the former Austrian Empire or companies controlled by them. Article 249 laid down the general rule to be followed in reference to the property, rights and interests which belonged at the date of the coming into force of the Treaty to nationals of the former Austrian Empire or companies controlled by them, and it provided that, subject to any contrary stipulations in the Treaty, the Allied and Associated Powers reserved the right to retain and liquidate all such property, and that the liquidation should be carried out in accordance with the laws of the Allied or Associated State concerned, and that the owner should not be able to dispose of such property, rights or interests, nor to subject them to any charge without the consent of that State. It was not disputed that, if the property in respect of which the right of the plaintiffs was claimed, came within Art. 249, it was the defendant and not the plaintiffs who were entitled to deal with it, and that it was property which was subject to the charge which might be created under s. IV of Part X of the Treaty, and under the scheme of dealing with such property, if the plaintiffs were wrong in their contention, the Austro-Hungarian Bank or its creditors were entitled, not to the property of the bank in this country, but were entitled to receive from the Austrian Government the exact equivalent by way of compensation. But it was said on behalf of the appellants that this property did not fall within the provisions of Art. 249 for two reasons, viz.: That the bank was not a national of the former Austrian Empire or was not a company controlled by Austrian nationals. His lordship referred to the evidence and said he agreed with the view taken by the learned judge as to the nationality of the bank. But he was prepared to go further and to hold that, even if the bank were held not to be an Austrian national, it was undoubtedly, under its articles, a company controlled by nationals of the former Austrian Empire. But then it was said, in the second place, that a "contrary stipulation" was to be found in Art. 206 which had the effect of taking the bank out of the operation of Art. 249. With regard to Art. 206, it dealt specially with the liquidation of the bank, and it seemed to him that the article was designed to deal with the difficulty of currency in the dismembered monarchy—that was to say, with the debts of the bank and incidentally also with the liquidation of the bank. The article also dealt with the assets of the bank outside the limits of the former monarchy, which would, of course, include assets in this country. Where could they in those words find anything which could possibly be said to be a stipulation contrary to the provisions of Art. 249 and the liquidation of the assets in this country of the Austro-Hungarian Bank? The two things seemed to stand quite separate and distinct, and there was nothing in Article 206 which could be said to be in any way a contrary stipulation. Hence he thought that the learned judge's view was quite correct. Further, the plaintiffs were in a very great difficulty with regard to the effect of the Order in Council. As the Order in Council stood, it directed that this particular property was to be charged under Art. 249, and the Order purports to be made under statutory authority. The only way of getting over the Order would be to say that it was *ultra vires*. But, having regard to the language of the statute and the form of the Order, there seemed to be difficulties in being able to raise that contention. The appeal must be dismissed with costs.

WARRINGTON and SCRUTTON, L.JJ., concurred in dismissing the appeal.—COUNSEL: *Sir John Simon*, K.C., *Maugham*, K.C., and *E. F. Spence*; *Sir Douglas Hogg*, K.C., *Sir Thomas Inskip*, K.C., and *Gavin T. Simonds*. SOLICITORS: *Bull & Bull*; *Coward and Hawksley, Sons & Chance*; *Albert Saville*.

[Reported by T. W. MORRAN, Barrister-at-Law.]

High Court—Chancery Division.

***Re* CLOUT AND FREWER'S CONTRACT.** Lord Buckmaster for Astbury, J. 28th May.

VENDOR AND PURCHASER—TITLE TO FREEHOLDS—TRUSTEE NOT ACTING FOR THIRTY YEARS—NON-RECEIPT OF LEGACY—EVIDENCE OF DISCLAIMER.

A trustee and executor survived the testator for nearly thirty years without proving, acting or applying for a legacy given to him as such. On a sale of the real estate the purchaser objected that the trustee had not disclaimed.

Held, that there was sufficient evidence of disclaimer by conduct and the objection must be overruled.

By his will dated 7th July, 1870, a testator devised his real estate to his wife and Horton and Crick upon trust for his wife for life, and after her death upon trust for sale, and he appointed the same three persons his executors and gave to Horton and Crick legacies for their trouble in acting in the trusts of the will. The testator died in August, 1872, and probate was granted to his widow, power being reserved to the other two executors. These other two did not formally renounce or disclaim and neither of them ever proved, acted or applied for his legacy. In September, 1890, Horton died, and in December the widow, who had re-married, died intestate and her husband took out administration to her estate. In February, 1898, the widow's personal representative appointed two new trustees of the will, one of whom died in 1899, and the other in 1907. The executor of the latter agreed to sell part of the real estate of the original testator as trustee of his will. The purchaser required evidence that Crick, who died in 1901, had in fact disclaimed the trusts, otherwise the appointment of new trustees was inoperative and the vendor had no title. The vendor, however, was only able to show that Crick had never proved, acted or applied for his legacy. The purchaser took out this summons for a declaration that a good title had not been shown and for return of his deposit.

Lord BUCKMASTER said it was not easy to reconcile the authorities on the point. The Irish cases of *Re Uniacke*, 1 Jo. & L. 1, and *Re Needham*, 1 Jo. & L. 34, were difficult to understand or follow. He derived more assistance from the English cases. In *Re Gordon*, 6 Ch. D. 531, where an executor-trustee renounced probate and did not act in the trusts but did not execute any disclaimer, Jessel, M.R., said that the circumstance that a man lived three years without acting at all was strong, though not conclusive, proof that he did not intend to act, and held that the three years' inaction coupled with the renunciation, was conclusive proof of disclaimer. In *Re Birchall*, 40 Ch. D. 436, where an executor-trustee never formally renounced or disclaimed, but never proved or acted, and there was evidence that he had stated that he would never prove or act, and though alive he was not called as a witness, the Vice-Chancellor held that there was sufficient evidence of disclaimer, and the Court of Appeal took the same view. In the present case Crick survived the testator for nearly thirty years without proving, acting or applying for or receiving his legacy. That was sufficient evidence in the circumstances to prove that Crick never intended to act, and never did in fact so act. There was therefore a disclaimer by conduct and the purchaser's objection would be overruled. There would be a declaration that a good title had been shown, and the purchaser must pay the costs. COUNSEL: *Mulligan*; *Henry Johnston*. SOLICITORS: *E. F. G. Ozley*; *Scott & Son*.

[Reported by S. E. WILLIAMS, Barrister-at-Law.]

***In re* ANGLO-SPANISH TARTAR REFINERIES, LIMITED.** Romer, J. 5th June.

COMPANY—SCHEME OF ARRANGEMENT—NOTICE OF MEETINGS—INADVERTENT OMISSION TO ADVERTISE—RECEIPT OF NOTICES BY THIRTY OUT OF THIRTY-ONE SHAREHOLDERS—COMPANIES (CONSOLIDATION) ACT, 1908, 8 Edw. 7, c. 69, s. 120.

Where there was an inadvertent omission to advertise a scheme of arrangement under s. 120 of the Companies (Consolidation) Act, 1908, but it was satisfactorily proved that thirty out of thirty-one shareholders of the company had received the notices, the court held that the meetings had in substance been held in manner prescribed and did not insist on further meetings being convened.

This was an application to sanction a scheme of arrangement under s. 120 of the Companies (Consolidation) Act, 1908. The facts were as follows: On the 18th February, 1924, the Master made an order on an originating summons which had been issued directing meetings of ordinary and deferred shareholders of the company to be held to consider, and if thought fit, to pass, subject to the sanction of the court, a scheme of arrangement under s. 120 of the Companies (Consolidation) Act, 1908. The Master further directed that notices of the meetings should be served by post on the shareholders of the company, and he further directed that advertisements of the meetings should be inserted in three newspapers at least fourteen clear days before the day appointed for the meetings. None of the advertisements were inserted in the papers owing to an oversight on the part of the solicitors, and the omission was not discovered until after the meetings had been held. It was, however, proved to the satisfaction of the court that thirty out of a total of thirty-one shareholders of the company received the notices, and 139,800 out of 140,000 ordinary shares of the Company, and 199,275 out of 200,000 deferred shares of the company were accounted for.

ROMER, J., after stating the facts, said: In my view the meetings have been in substance (though not precisely) summoned in the manner prescribed. The object of the order is to secure that every shareholder receives notice of the meetings, and in this case it appears that the notices have reached all the shareholders with one exception. Under the circumstances the matter will be pursued without the serious trouble of convening further meetings.—COUNSEL: *Spens*. SOLICITORS: *Dehn and Dunderdale*.

[Reported by L. M. MAY, Barrister-at-Law.]

BATCHELOR *v.* MURPHY. Tomlin, J. 15th May.

LEASE—OPTION TO PURCHASE FEE—AGREEMENT FOR SURRENDER OF LEASE AND GRANT OF NEW LEASE TO NEW TENANT—"ON SAME TERMS AND CONDITIONS IN ALL RESPECTS"—NEW LEASE NOT CARRIED OUT—RIGHT OF NEW TENANT TO HAVE OPTION TO PURCHASE.

A covenant conferring an option to purchase in a lease is a matter of collateral bargain and no part of the terms of the tenancy, and accordingly, where a lease contained such a covenant and there was an agreement to surrender the lease and to grant a new lease "on the same terms and conditions in all respects" as the lease, it was held impossible to import into such an agreement any collateral bargain in the original lease, as there was no express provision therefor, and no provision therefor which arose by necessary implication from the words used.

This was a summons asking if the defendants were entitled to exercise an option to purchase. The facts were as follows: by a lease dated 17th October, 1913, premises were demised by a testatrix to a lessee for a term of 10½ years at a rent of £100 for the first year and £120 for each subsequent year. The lease contained an option for the lessee (which expression was defined as including his executors and administrators and assigns where the context so admitted) to purchase the freehold of the premises for £3,000 upon giving three calendar months' notice in writing of his desire to do so during the term. The lessor died on the 22nd May, 1915, having by her will appointed as executors J. H. Sawden and the plaintiff. J. H. Sawden alone proved the will at first and the lessee, being desirous of disposing of the residue of the term to the defendants and of freeing himself of all liability under the lease, an agreement was entered into in the form of a memorandum addressed to the executor and signed by the plaintiff and the defendants. The memorandum contained the following words: "In consideration of you agreeing to release me, the undersigned, H. W. Clarkson [the lessee], and accept us, the undersigned, A. H. Murphy and C. L. Murphy [the defendants], as lessees for the unexpired residue of the term in the lease dated the 17th day of October 1913, we respectively agree as follows: The said H. W. Clarkson to surrender the said lease. The said A. H. Murphy and C. L. Murphy to execute a new lease for the unexpired term of eight years and six months from October 6 last on the same terms and conditions in all respects as the lease of October 17, 1913." There were only certain small alterations in the rent. The defendants entered into possession of the premises, but no lease was in fact ever executed. J. H. Sawden died on the 15th September, 1916, and the plaintiff took out probate of the will.

TOMLIN, J., after stating the facts, said: The question is what the terms are on which the defendants are entitled to a lease of the premises, and whether the option to purchase must be included in it? If what had been intended was merely the release of the original lessee and an imposition on his assigns of the liabilities of the original lease, that could have been effected without the machinery of a surrender of the existing lease. A covenant conferring an option to purchase is a matter of collateral bargain and no part of the terms of the tenancy in the strict sense, as was pointed out by Peterson, J., in *Re Leeds and Bailey Breweries, Ltd. and Bradbury's Lease*, 1920, 2 Ch. 548. Proceeding on this view, the question is whether I can find any agreement for the renewal of the option to purchase to the defendants. I have come to the conclusion that I cannot do so. The memorandum provides for the grant of a new lease, and it is impossible to import into it any collateral bargain in the original lease, unless there is an expressed provision for this, or a provision arising by necessary implication from the language used. There is nothing in the language of the memorandum having this effect. I must decide that the defendants are not entitled to the benefit of an option to purchase the freehold of the premises for £3,000.—COUNSEL: *Bischoff*; *Greene*, K.C., and *Horace Freeman*. SOLICITORS: *Sharpe, Pritchard & Co.*, for *West & Son*, Bridlington; *Collyer-Bristow & Co.*, for *Stuart & Smith*, Hull.

[Reported by L. M. MAY, Barrister-at-Law.]

High Court—King's Bench Division.

LEWIS v. McKAY; ALGATE v. VUGLER; CLARK v. POTTER. 9th April.

EMERGENCY LEGISLATION—LANDLORD AND TENANT—ACTION BY TENANT TO RECOVER OVER-PAYMENTS OF RENT—PERIOD WITHIN WHICH RECOVERABLE—ACTION COMMENCED WITHIN PRESCRIBED PERIOD—JUDGMENT DELIVERED AFTER EXPIRATION OF PERIOD—RIGHT OF RECOVERY—INCREASE OF RENT AND MORTGAGE INTEREST (RESTRICTIONS) ACT, 1920, 10 & 11 Geo. 5, c. 17, s. 14—RENT AND MORTGAGE INTEREST RESTRICTIONS ACT, 1923, 13 & 14 Geo. 5, c. 32, s. 8 (2).

If an action for the recovery of over-payments of rent is commenced by the tenant of premises to which the Rent Restriction Acts apply, within the period of six months prescribed by s. 8 (2) of the Rent and Mortgage Interest Restrictions Act, 1923, any right of the tenant to recover any such over-payments will not be barred by reason of the fact that judgment is not given in the action until after the expiration of the prescribed period of six months.

Appeals from decisions of County Court judges. In these three cases tenants of premises to which the Rent Restriction Acts applied had commenced proceedings in the County Court to recover sums which they alleged to have been overpaid to their landlords in respect of rent. The proceedings were commenced within six months of the passing of the Act of 1923, but the judgments were not delivered until after the expiration of the prescribed period of six months. In two of the cases, the learned County Court judges held that the statutory requirements had been complied with, owing to the fact that the proceedings had been commenced within the six months. In the third case the learned County Court judge held that unless judgment also had been given within the six months, the tenant could not recover the over-payments. By s. 14 of the Increase of Rent and Mortgage Interest (Restrictions) Act, 1920, it is provided: "(1) Where any sum has, whether before or after the passing of this Act, been paid on account of any rent or mortgage interest, being a sum which is by virtue of this Act, or any Act repealed by this Act, irrecoverable by the landlord or mortgagee, the sum so paid shall be recoverable from the landlord or mortgagee who received the payment or his legal personal representative by the tenant or mortgagor by whom it was paid, and any such sum, and any other sum which under this Act is recoverable by a tenant from a landlord or payable or repayable by a landlord to a tenant, may, without prejudice to any other method of recovery, be deducted by the tenant or mortgagor from any rent or interest payable by him to the landlord or mortgagee." By s. 8 of the Rent and Mortgage Interest Restrictions Act, 1923, it is provided: "(2) Any sum paid by a tenant or mortgagor which, under sub-section (1) of section fourteen of the principal Act is recoverable by the tenant or mortgagor shall be recoverable at any time within six months from the date of payment but not afterwards, or in the case of a payment made before the passing of this Act, at any time within six months from the passing of this Act but not afterwards."

SWIFT, J., delivering judgment, said that the cases came before the court with reference to the construction of s. 8 (2) of the Act of 1923. The summonses had in each case been issued by the tenants within the prescribed period of six months, but, owing to the exigencies of the business of the respective County Courts and through no fault of the tenants, the cases were not disposed of until after the expiration of the six months. Did s. 8 (2) mean that the claim of a tenant was barred unless he actually obtained judgment within the six months, or did the section merely mean that the proceedings must be commenced within that period? His lordship had no doubt that the latter was the correct meaning. The Legislature could not have intended to impose upon a tenant the onus of compelling a decision to be given in the County Court within a prescribed period, so as to bring the judgment within the six months. That was a matter over which the tenant could not possibly have any control. The object of s. 8 (2) appeared to be simply to impose upon the tenant the necessity of making his claim to the court within the six months. If he failed to do that the money would not be recoverable by him. The appeals in the first two cases should therefore be dismissed, and the third case should be remitted to the County Court judge for him to deal with certain further questions.

ACTON, J., concurred.—COUNSEL: *D. Rowland Thomas; Beney; Caswell; Merriman*, K.C., and *Ralph Thomas*. SOLICITORS: *Speechley, Mumford & Craig*, for *J. L. Phillips*, Llanelly; *Kenneth Brown, Baker, Baker; J. H. MacDonnell; Shallcss & Ladner*.

[Reported by J. L. DENISON, Barrister-at-Law.]

MARTIN v. STANBOROUGH. Div. Court. 9th April.

MOTOR-CAR—NEGLIGENCE—LEFT UNATTENDED ON HIGHWAY—INTERVENTION OF THIRD PERSON—DEFECTIVE BRAKES—DAMAGE—LIABILITY.

A motor-car, which was left unattended on a highway on the side of a hill, was caused, by the intervention of a mischievous boy, to descend the hill, thereby injuring a wall. In proceedings before the County Court judge against the owner of the car for damages in respect of the injury to the wall, it was proved that one of the brakes was defective. The County Court judge found that the owner of the car was liable. The owner of the car appealed.

Held, that there was evidence which justified the County Court judge in coming to his decision and that the appeal must be dismissed.

Appeal from the Brighton County Court. The plaintiff commenced an action against the owner of a motor-car for damages done to his wall and railings under the following circumstances. The defendant's car was left unattended on a highway on the side of a hill, with the front of the car facing up-hill. The hand-brake had been applied and a piece of wood had been placed under one of the wheels. A boy, ten years of age, climbed into the car, which descended the slope and injured the above-mentioned wall and railings. The County Court judge found that the car had been left in an unsafe position; that the accident had been caused by the intervention of the boy, though it was impossible to ascertain exactly what he had done; that the hand-brake was defective; and that judgment must be entered for the plaintiff. The defendant appealed.

BAILHACHE, J., said that the question for decision was whether the owner of a motor-car could be made liable for damage caused by the car through the interference of a third person. He would never be disposed to hold that to leave a motor-car unattended in a public place was negligence, assuming that the brakes were in order. That was not the state of affairs, however, in the present case. The car had been left on a fairly steep slope and the brake was out of order. The circumstances were different from those in *Ruoff* v. *Long & Co.*, 60 SOL. J. 323; 1916, 1 K.B. 148, where soldiers with difficulty set an unattended lorry in motion. There was, in the present case, evidence to support the decision of the County Court judge, and the appeal should be dismissed.

ROCHE, J., agreed, and the appeal was dismissed.—COUNSEL: *Gilbert Stone; Craig Henderson*, K.C., and *J. D. Waters*. SOLICITORS: *Kenneth Brown, Baker, Baker; Hiscott, Troughton and Grubbe*.

[Reported by J. L. DENISON, Barrister-at-Law.

In Parliament.

House of Commons.

Questions.

PROFITEERING (LEGISLATION).

Mr. BAKER (Bristol, East) asked the President of the Board of Trade whether an anti-profiteering Bill has been drafted; and when it will be introduced.

Mr. ALEXANDER: In view of the position of Parliamentary business, it will not be possible to introduce legislation on this subject, other than the Building Materials (Charges and Supplies) Bill, during the present Session.

PROBATION OFFICERS.

Mr. BIRKETT (Nottingham, East) asked the Home Secretary the number of petty sessional divisions in England and Wales in which no probation officer has been appointed; and what steps it is proposed to take in the matter?

Mr. HENDERSON: A recent Return shows that out of 1,029 petty sessional divisions in England and Wales, about 170 have not appointed probation officers. In reply to the second part of the question, I would refer the hon. Member to the proposals of the Government in Part I of the Criminal Justice Bill, by which every petty sessional division would have the services of probation officers. (18th June.)

EVICTIONS AND RENT RESTRICTIONS.

Sir K. WOOD (Woolwich, West) asked the Prime Minister whether he proposes to introduce any further legislation in relation to evictions or rent restrictions?

THE PRIME MINISTER: After a careful review of the present position of legislative proposals regarding housing and of the

fate of measures already introduced, the Government see no opportunity to produce fresh proposals in addition to their Housing Bill.

COUNTY COURT BILL.

Sir W. DE FRECE (Ashton-under-Lyne) asked the Prime Minister whether, seeing that it was originally contemplated that the proposals contained in the County Court Bill now before the House should come into force on 1st July, and in view of the increasingly difficult position in which these public servants find themselves, he will endeavour to expedite the passage of the Bill through its later stages?

THE PRIME MINISTER: The Government realise the urgency of passing this Bill into law, and it is one of those which they propose to ask the House to deal with after 11 o'clock one evening this week.

PRIVATE COMPANIES.

Mr. BAKER (Bristol, East) asked the President of the Board of Trade whether, in view of the fact that many big combines of companies have subsidiaries which are private companies and that the absence of information about private companies greatly hinders that degree of publicity which public policy demands, he will consider the introducing of legislation to put private companies on the same basis as public companies in the matter of filing balance sheets, and also to compel all companies to file balance sheets annually and to compel all balance sheets filed to show figures of net profit and amounts to depreciation and to reserve?

Mr. ALEXANDER: The question of private companies was dealt with in the Report, dated 15th July, 1918, of the Company Law Amendment Committee of which Lord Wrenbury was the Chairman. The Committee came to the conclusion that no alteration was then required in the law relating to private companies. This matter and the other matters to which my hon. Friend has referred have been noted for consideration when legislation is introduced to amend the Companies Acts, but it will not be possible to introduce such legislation at present.

MR. JUSTICE McCARDIE.

Mr. LANSBURY (Poplar, Bow and Bromley) asked the Prime Minister whether the Government will grant time for the discussion of the Motion standing in the name of the hon. Member for Bow and Bromley, dealing with the remarks of Mr. Justice McCardie during a recent trial?—[*To call attention to the following statement reported as having been made by Mr. Justice McCardie in the King's Bench Division of the High Court of Justice during the trial of the libel action brought by Sir Michael O'Dwyer, late Lieutenant-Governor of the Punjab, against Sir C. Sankaran Nair, formerly a member of the Executive Council of the Viceroy and Governor-General of India, namely: Speaking with full deliberation and knowing the whole of the evidence given in this case, I express my view that General Dyer, in the grave and exceptional circumstances, acted rightly, and, in my opinion, he was wrongly punished by the Secretary of State for India; and to move, That an humble Address be presented to His Majesty praying that he will cause the removal from the Bench of the High Court of Judicature in England of Mr. Justice McCardie, on the ground that he is unfitted to carry out the judicial duties attaching to his high office.*]

The PRIME MINISTER (Mr. J. Ramsay MacDonald): I have come to the conclusion that a discussion on this subject would only add to the harm that has been done in India by the words complained of. However unfortunate the words have been, they clearly do not constitute the kind of fault amounting to a moral delinquency which constitutionally justifies an Address as proposed. It ought in fairness to be borne in mind that the objectionable passage occurred, not in a considered written judgment, but in an oral charge to a jury delivered at the conclusion of a lengthened and somewhat heated trial, and the very form in which it was couched shows that the learned Judge was not informed as to what took place. As I have already stated, His Majesty's Government completely associates itself with the decision of the Government (not merely the Secretary of State) of the day. His Majesty's Government will always uphold the right of the judiciary to pass judgment, even on the Executive, if it thinks fit; but that being the right of the judiciary, it is all the more necessary that it should guard itself against pronouncements upon issues involving grave political consequences, which are not themselves being tried.

Sir K. WOOD: Having regard to the statement that the right hon. Gentleman has just made, and the undesirability of a Motion remaining on the Paper attacking a Judge, who is daily trying cases in the High Court, will he use his influence to have this Motion withdrawn?

Mr. LANSBURY: No one need use any influence. I am perfectly satisfied with the statement made by the Prime Minister.

(23rd June.)

REGISTRATION OF BUSINESS NAMES ACT, 1916.

Mr. HINDLE (Darwen) asked the President of the Board of Trade the number of prosecutions directed and convictions obtained during the last three years for offences against the provisions of the Registration of Business Names Act, 1916; and what proportion of such offenders were aliens?

Mr. WEBB: As the answer to this question is rather long, I propose, with the hon. Member's permission, to circulate it in the Official Report.

Following is the answer:

The number of prosecutions directed by the Board of Trade during the last three years for offences against the provisions of the Registration of Business Names Act, 1916, is 32, involving the issue of 42 summonses. The result of these prosecutions may be stated shortly as follows:

Twenty-six convictions were obtained, 6 summonses withdrawn, for various reasons, 3 summonses dismissed, 3 summonses not served because the defendants could not be traced. Two summonses were dismissed under the Probation of Offenders Act, and in two cases the defendants were bound over, but ordered to pay the costs. The number of aliens who were convicted in the foregoing proceedings was two.

In addition to the prosecutions directed by the Board of Trade, proceedings have in numerous cases been taken by the local police authorities throughout the country, but I have no information as to the nationality of the defendants in those proceedings or the result.

COMPANIES (CONSOLIDATION) ACT.

Mr. BAKER (Bristol, East) asked the President of the Board of Trade whether he will consider the introduction of legislation to make companies publish in their Articles of Association exact particulars of various assets, the prices paid for them, and the companies or individuals from which they were purchased?

Mr. WEBB: Under the provisions of Sections 80 and 81 of the Companies (Consolidation) Act, 1908, every prospectus issued by or on behalf of a company must be filed with the Registrar of Companies, and such a prospectus must contain *inter alia* the following information: The names and addresses of the vendors of any property purchased or proposed to be purchased, and the amount payable in cash, shares or debentures, specifying the amount (if any) payable for goodwill; and also the dates of, and parties to, every material contract; and a reasonable time and place at which any material contract or a copy thereof may be inspected. Under the provisions of Section 82 of that Act, a public company which does not issue a prospectus shall not allot any of its shares or debentures unless there has been filed with the Registrar of Companies a statement in lieu of prospectus. Such a statement must include *inter alia* the names and addresses of the vendors of property purchased or proposed to be purchased; the amount payable in cash, shares or debentures; the dates of, and parties to, every material contract; and the time and place at which the contracts or copies thereof may be inspected. The suggestion that companies should include this information in their Articles of Association will be considered when the next revision of the Companies Act is undertaken.

(24th June.)

New Bills.

Pensions (Increase) Bill—"to raise the percentages by which certain pensions may be increased under the Pensions (Increase) Act, 1920, to permit the payment of increased pensions under the said Act to pensioners residing outside the British Islands, and to require police, local, and other public authorities to increase pensions granted by them up to the maximum amount authorised by the said Act": Mr. William Graham, upon the necessary financial Resolution having been passed. [Bill 171.]

(18th June.)

Coal Mines (Amendment) Bill—"to amend The Coal Mines Act, 1911": Presented by Mr. George Hall. [Bill 174.]

(20th June.)

British Museum (No. 2) Bill—"to enable the Trustees of the British Museum to make loans of objects comprised in the collections of the British Museum for public exhibition, and to make regulations for that purpose": Sir Douglas Hogg. [Bill 175.]

Small Landholders (Scotland) Bill—"to amend the Law relating to the resumption of holdings under the Small Landholders (Scotland) Acts, 1886 to 1919": Mr. William Adamson. [Bill 176.]

(23rd June.)

Seeds Act (1920) Amendment Bill—"to amend section eleven of the Seeds Act, 1920": Mr. Blundell. [Bill 177].

Motor Car Races Bill—"to provide for the authorisation of races with motor cars": Sir Philip Dawson. [Bill 178.]

Unemployment Insurance (No. 4) Bill—"to amend the Unemployment Insurance Acts, 1920 to 1924": Mr. Sydney Robinson, on leave given. The object of the Bill is to provide unemployment insurance for agricultural workers. [Bill 179.]

(24th June.)

Bills under Consideration.

10th June. Education (Employment of Young Persons) Bill. Read a Second time and committed to a Standing Committee.

20th June. Lead Paint (Protection against Poisoning) Bill. Second Reading moved by the Under-Secretary of State for the Home Department, Mr. Rhys Davies, Amendment for rejection (Mr. Harney), after debate, withdrawn. Bill read a Second time, and committed to a Standing Committee.

County Courts Bill. As amended in the Standing Committee, considered.

NEW CLAUSE.—(Provisions as to striking out plaint, etc.).

"A registrar on the application of the defendant, of the hearing of which application seven clear days' notice shall be given by the defendant to the plaintiff, may order a plaint or other proceeding to be struck out on the ground that it discloses no reasonable cause of action, and shall make such order as to costs as he may think proper.

"From the decision of the registrar an appeal shall lie to the county court judge in chambers."

Moved by Captain Tudor Rees. Debate adjourned.

23rd June. Housing (Financial Provisions) Bill. Second Reading moved by the Minister for Health, Mr. Wheatley. Amendment for rejection (Lord Eustace Percy), negatived by 269 to 206. Bill read a Second time, and upon a division, by 315 to 175, committed to a Committee of the Whole House.

24th June. London Traffic Bill. As amended in the Standing Committee, further considered and adjourned.

Arbitration Clauses (Protocol) Bill [Lords]: Bill read a Second time, and committed to a Standing Committee.

Motions.

IMPERIAL PREFERENCE.

18th June. Motion in the name of Mr. BALDWIN:—

"That this House, having taken into consideration the proposals with respect to tariff preference for Empire goods which His Majesty's late Government intimated at the Imperial Economic Conference in 1923 that they intended to submit to Parliament, is of opinion that the following dried fruits now subject to duty, that is to say, figs, raisins, plums, and currants, should, if of Empire origin, be free from all import duties on importation into Great Britain."

Adjourned debate resumed by Mr. Baldwin. On a division, motion rejected by 278 to 272.

Further motions, in the name of Mr. BALDWIN:—

"That this House, having taken into consideration the proposals with respect to tariff preference for Empire goods which His Majesty's late Government intimated at the Imperial Economic Conference in 1923 that they intended to submit to Parliament, is of opinion that the rate of duty charged on tobacco of Empire origin imported into Great Britain should be reduced from five-sixths to three-quarters of the duty charged on tobacco imported from other countries."

Rejected by 284 to 271.

"That this House, having taken into consideration the proposals with respect to tariff preference for Empire goods which His Majesty's late Government intimated at the Imperial Economic Conference in 1923 that they intended to submit to Parliament, is of opinion that the rate of duty charged on wines produced within the Empire, and imported into Great Britain, should be reduced as follows:

(*a*) the rate of duty charged on such wines of a strength exceeding 30 degrees and not exceeding 42 degrees from 4s. per gallon to 2s. per gallon;

(*b*) the preferential rate on the surtax of 12s. 6d. per gallon on such sparkling wines to be increased from 30 per cent. to 50 per cent."

Rejected by 285 to 268.

"That this House, having taken into consideration the proposals with respect to tariff preference for Empire goods which His Majesty's late Government intimated at the Imperial Economic Conference in 1923 that they intended to submit to Parliament, is of opinion that for a period of 10 years the preference on sugar produced within the Empire and imported into Great Britain should be maintained at the rate of one halfpenny per pound, so long as the duty on foreign sugar does not fall below that level."

Rejected by 283 to 263.

The remaining Resolutions on the same subject, standing in the name of Mr. Baldwin, were not moved.

New Orders, &c.

Orders in Council.

REPRESENTATION OF THE PEOPLE ACT, 1918.

The *London Gazette* of 13th June contains an Order in Council, dated 30th May, substituting new Forms of Claim for (1) a man, and (2) a woman to be registered as an elector in substitution for the forms numbered (1) (2) (3) (4) (5) (6) (7) and (8) under Heading II in Schedule I to the Representation of the People Order.

Ministry of Health.

The Minister of Health has been in communication with the Home Secretary in regard to the exemption of midwives from jury service, and the following letter has recently been addressed to the Under-Sheriffs:—

Home Office,
Whitehall,
24th May, 1924.

Sir,—I am directed by the Secretary of State to say that his attention has been drawn to the difficulty caused to midwives in following their calling by their liability to jury service. It is obvious that when their professional services are required, they are required urgently and often at very short notice. Mr. Henderson has no doubt that midwives are in fact readily excused from service as jurors whenever their attendance at a confinement is a matter of pressing urgency and the question of exempting them altogether from liability will be considered as soon as a suitable opportunity for legislation on the subject presents itself; but in the meantime he would suggest that trouble and correspondence will be saved if, when any woman who is liable to jury service supplies you with evidence (i) that she is a certified midwife, and (ii) has given notice to the Local Supervising Authority (*i.e.* the County or County Borough Council) of her intention to practise as such, you should affix a mark to her name in the jurors book so as to prevent a summons being sent to her. It seems to the Secretary of State that the nature of the work done by certified midwives gives them a claim for special consideration higher than that of any other section of the community not already exempted by law from liability to jury service.

H. B. SIMPSON.

The Under-Sheriff.

ROYAL COMMISSION ON LUNACY LAW AND ADMINISTRATION AND MENTAL DISORDER.

The King has been pleased to approve the appointment of a Royal Commission with the following terms of reference:—

"(1) To enquire as regards England and Wales into the existing law and administrative machinery in connection with the certification, detention, and care of persons who are or are alleged to be of unsound mind;

"(2) To consider as regards England and Wales the extent to which provision is or should be made for the treatment without certification of persons suffering from mental disorder;

"And to make recommendations."

The Commission will be composed as follows:—

The Rt. Hon. H. P. Macmillan, K.C. (Chairman).
Earl Russell.
Lord Eustace Percy, M.P.
Sir Thomas Hutchison, Bt.
Sir Humphry Rolleston, M.D., D.C.L., LL.D.
Sir Ernest Hiley.
Sir David Drummond, M.D., D.C.L.
Mr. W. A. Jowitt, K.C., M.P.
Mr. F. D. MacKinnon, K.C.
Mr. H. Snell, M.P.
Mrs. C. J. Matthew.
Miss Madeline Symons.

with Mr. P. Barter of the Ministry of Health as Secretary.

All communications regarding the Commission should be addressed to "The Secretary, Royal Commission on Lunacy and Mental Disorder, Ministry of Health, Whitehall, S.W.1."

Applications to give evidence before the Commission should be made in writing; personal interviews cannot be granted in this connection.

Mr. William John Humfrys, of Bridge-street, Hereford, solicitor, who died on 5th April, has left a fortune of £113,325, with net personalty £105,627. The testator's gifts include:—£1,000 each to John R. Symonds and Richard H. Symonds-Tayler; £200 to his partner, Gerald J. L. Spencer; £1,500 to Herbert James Harris, "his valued clerk and friend"; legacies to clerks according to length of service.

Societies.

Incorporated Justices Clerks' Society.

ANNUAL GENERAL MEETING.

The Annual General Meeting of the Incorporated Justices Clerks' Society was held at the Law Society's Hall, on Friday, the 20th inst., the chair being taken by the President, Mr. G. T. Whiteley (Southwark). Among those present were Mr. F. B. Dingle (Sheffield), Mr. E. J. Hayward (Cardiff), Mr. F. C. E. Jessopp (Edmonton), Mr. S. E. Major (Barrow-in-Furness), Mr. H. E. Price (Haverfordwest), Mr. J. R. Roberts (Newcastle-on-Tyne), Mr. J. W. Thorpe (Swansea), Mr. E. J. Waugh (Hayward's Heath), members of the Council; Mr. W. A. Boyes (Barnet), Auditor, Mr. G. H. Charlsey (Slough), Mr. James Porter (Conway), Mr. John A. Dixon, M.A., D.C.L. (Durham), Mr. Herbert H. Scott, LL.B. (Gloucester), Mr. T. Davenport Whalley (Bournemouth), Mr. H. T. Bull (Bury, Lancs), Mr. L. Lloyd John (Corwen), Mr. Wm. J. Phair (West Bromwich), Mr. J. H. Nelson Curtis (Sutton), Mr. John F. Wheeler (Oxted), and Mr. Henry Rosling (Reigate), Secretary.

The eighty-fourth annual report of the Council since the Society's formation and the twenty-first since its incorporation stated that the Children Bill had been considered by them, and they had suggested to the promoters the qualification of the provision that a juvenile court must sit in a different building or room, by the addition of the words "whenever possible." With regard to the Licensing (Bonâ Fide Travellers) Bill, attention had been drawn to the want of a penalty on a person falsely representing himself to have arrived at a railway station after or before a journey of not less than ten miles. The Summary Jurisdiction (Separation and Maintenance) Bill was considered and approved. It was felt that the power proposed to be given to issue a warrant where a summons had been issued but defendant could not be found should be general and not confined to cases within the Bill. The Local Government and other Officers' Superannuation (Amendment) Bill sought to make compulsory the adoption by every local authority of a scheme of superannuation of persons in its employment. The Bill expressly included clerks of the peace and those permanently employed under them, and contained a clause empowering local authorities to admit to benefit any person permanently employed in connection with and whose whole time was devoted to purposes of local government or administration, and whose salary was paid wholly or in part out of moneys provided or received from the local authority. The Council desired the opinion of members as to whether efforts should be made to bring part-time justices' clerks within the purview of the Bill. A complaint having been made by a member of Parliament as to the variance in practice in the granting of special orders of exemption and extension of hours under the licensing Acts, in some courts one order being granted covering all special occasions applied for, whereas in other courts a separate order for each special occasion was granted, the Home Secretary had recently given an opinion that s. 57 of the Act of 1910 contemplated the inclusion of more than one special occasion in a single order of exemption, and that in the case in question brought to his notice a single order involving a single fee might properly have been issued; but he stated that he had no authority to determine the point or to give instructions to the magistrates' clerk with regard thereto. Consideration had been given to the application of penalties under the Licencing Acts, 1872 and 1874, and the Licensing (Consolidation) Act, 1910. In the interests of the local authority it was considered advisable (1) that no direction should be given by the justices under s. 104 of the Act of 1910 that any part of the fines should be paid to the police fund; but (2) that the local authority should direct under paragraph 3 of the second schedule of the Police Pensions Act, 1921, that fines imposed for offences under the Licensing Acts, 1872 and 1874, when committed within the police area, as well as for any offence similar in character under a general or local Act, should be carried to the local authority's fund. Letters of protest had been addressed to the Home Office in respect of the growing tendency of the town councils in certain boroughs to control the selection of justices' clerks, and the salaries and conditions attached to the appointments, and further, in respect to the unreasonable delay in one borough in appointing a justices' clerk, the object being to enable the favoured candidate to qualify for the post. The Council proposed to bring to the notice of the Home Secretary the present unsatisfactory position in the London area, where no fees might be taken in respect of cases heard by the justices in petty sessions, and to urge the Home Secretary to promote a Bill to amend s. 42 of the Metropolitan Police Act, 1839, in accordance with the recommendation of the Departmental Committee appointed to consider the question in 1898.

The PRESIDENT, in moving the adoption of the report, said that most of the work of the Council during the year had been in connection with the Criminal Justice Bill. When the Criminal Justice Bill of the year before last was brought forward the Council appointed a sub-committee to consider it and that sub-committee had done so very carefully, but when the late Government went out of office the Bill fell with it. It was a pleasant feature that many of the amendments which had been proposed by the Council's Committee had been adopted in the new Bill. This went to show the good work done by that committee and also that they were correct in the view of what the law should be. After all, it was people like justices' clerks, who had to carry out the law, who were best able to judge as to what the law should be. It was found so frequently that people who drew Bills knew nothing about the practice, and it was in such cases that the Society could be of very great use. It was mainly owing to the sub-committee having attended a conference at the Home Office and meeting also Sir Archibald Bodkin, and one or two other eminent men, and going through the amendments—which were proposed by the sub-committee very carefully—that many of such amendments were incorporated in the new Bill. The Children Bill was practically a consolidation Bill, but, like all consolidation Bills, it contained something new which the Council had to watch. The suggestion of the Council in regard to the building in which the Juvenile Court must sit was, in his opinion, a good one. In the case of Croydon it used to be the practice for the children's court to meet in the court-room and that worked quite satisfactorily. The Council had come to the conclusion to oppose the Licensing Bills. They had been brought in again by gentlemen—mostly cranks—who really knew very little about the licensing laws. As one who had had more to do with licensing than most justices' clerks, having had to carry out the law in a very large division for many years, he thought that there was very little that required alteration. If the law were carried out he did not believe there was any necessity for new legislation except in one respect, namely, with regard to clubs. He felt very strongly that the time had come when the law which related to clubs should be altered. Parliament had been wanting to deal with it, but owing to many causes it had not done so—it really came to a question of votes. That was, he believed, really why nothing had been done up to the present moment. It had been suggested by the Magistrates' Association that the Home Secretary should be asked to bring in a Bill to deal with the question of superannuation. A Bill was at present before Parliament dealing with superannuation with regard to local authorities, and it was a question whether justices' clerks would come under its provisions. Another question was whether a clerk who was not a whole-time clerk could come within its scope. His own personal view was that justices' clerks did not come under the Bill at all. The question for consideration was whether they should ask to be brought within the Bill, or whether they should adopt the suggestion of the Magistrates' Association that they should ask the Home Secretary to bring in a Bill to deal particularly with justices' clerks. The Council had come to the conclusion that the best plan would be to accept the suggestion of the Magistrates' Association, and to get into communication with the Home Secretary and ask him to produce a Bill, which Bill they should have the right to consider. It was an important matter, especially if a man was struck down by illness at a comparatively early age, and so had to relinquish the salary attached to the office.

Mr. W. A. BOYES (Barnet) seconded the motion.

Mr. E. J. HAYWARD (Cardiff), said it was unfortunately the case that only about one-sixth of the amendments proposed by the Council in the Criminal Justice Bill had been adopted.

Mr. S. E. MAJOR (Barrow-in-Furness) moved that the Council be requested to take steps to bring to the notice of the Home Office the desire of the justices' clerks that superannuation should be provided for them generally. He would not limit the superannuation, but make it applicable both to whole time and part time clerks.

Mr. J. R. ROBERTS (Newcastle-on-Tyne), said that the question to be considered was whether the justices' clerks should take any steps to come under the particular Bill which was now before Parliament, the Local Government Officers' Superannuation Bill. He thought they should certainly not endeavour to come within the terms of that Bill, because, to a certain extent, they would be placing themselves in the hands of the local authorities, which, he considered, they should avoid as far as possible. In his opinion, it would be the better plan to approach the Home Office and endeavour to get a special arrangement dealing solely with justices' clerks, and so keep them perfectly distinct from the local authority.

The discussion was continued, a general opinion being expressed to the same effect, and it was suggested that, in the event of a superannuation scheme for justices' clerks being adopted, it might impose upon them retirement at a certain age. This should be very carefully considered, because the loss of his salary to a part-time clerk might be a serious matter.

The PRESIDENT promised that the Council would take the matter into consideration.

The report was adopted and motion proposed by Mr. Major was agreed to.

The PRESIDENT regretted that from ill-health, the Vice-President, Col. J. Hall (Bury, Lancs), could not be proposed as President for the ensuing year. He had written to say that he was unable to take the position. Fortunately, Mr. E. J. Hayward (Cardiff), who had done splendid work for the Society, was prepared to do so, and he had pleasure in proposing him for the office.

The motion was unanimously agreed to. Col. Hall was re-elected Vice-President, and a motion was carried that a letter should be sent to him, expressing the great regret of the meeting at his illness, and that he was unable to take the position of President. The Council were re-elected as follows: Mr. F. B. Dingle (Sheffield), Mr. E. J. Hayward (Cardiff), Col. F. G. Langham, C.M.G. (Hastings), Mr. F. C. E. Jessopp (Edmonton), Mr. S. E. Major (Barrow-in-Furness), Mr. H. E. Price (Haverfordwest), Mr. J. R. Roberts (Newcastle-on-Tyne), Mr. J. W. Thorpe (Swansea), Mr. E. J. Waugh (Hayward's Heath) and Mr. G. T. Whiteley (Southwark).

The PRESIDENT said there was yet one vacancy, but he thought it would be better to leave it to the Council to fill this, as they were anxious to get a justices' clerk from the Eastern Counties, where the Society was not so well represented.

This was agreed to, and Mr. P. W. Ellett (Cirencester), and Mr. W. Archibald Boyes (Barnet) were re-elected Auditors, and Mr. Henry Rosling (Reigate), Secretary.

The annual dinner of the Society was held at Oddenino's Imperial Restaurant, Regent Street, in the evening.

Adjudication and Denoting of Stamp Duty.

Correspondence, of which the following is a copy, has, says *The Law Society's Gazette* for this month, passed between the Secretary and the Inland Revenue Department, with reference to the denoting of the amount of the stamp duty on duplicate documents, in cases in which the stamp duty on the originals has been adjudicated:—

The Law Society's Hall,
18th March, 1924.

Dear Sir,

The attention of the Council has been drawn by solicitors practising in the country to a difficulty they have experienced by reason of the practice of the Stamp Office in denoting the stamp duty on duplicates of not showing the amount of duty impressed on the original, where the stamp duty on such original has been adjudicated. The difficulty appears to have arisen in connection with the stamp on an agreement for the sale of a business of a limited company which required to be filed with the Registrar of Joint Stock Companies. The agreement with a duplicate appears to have been forwarded by the solicitors to their agents in London, who having had the stamp duty adjudicated and denoted, filed the original and returned the duplicate. The solicitors complain that the original agreement having been filed with the Registrar of Joint Stock Companies they have nothing to show the actual amount of the duty with which it was stamped, as the denoting stamp on the duplicate only shows that the stamp on the original has been adjudicated without stating the amount. In this particular case the estate is being administered in the Court and as the costs are subject to taxation the amount of the stamp will have to be vouched.

The Council realise that in this case possibly the difficulty might have been met by filing the duplicate instead of the original agreement, or by retaining the notice of assessment, but they would be glad to know whether it would not be practicable in all cases to denote the amount of the duty with which the original has been stamped.

Yours faithfully,
E. R. COOK,
Secretary.

Controller of Stamps,
Somerset House, W.C.2.

Inland Revenue,
Somerset House, W.C.2,
16th April, 1924.

Sir,

I am directed by the Board of Inland Revenue to refer to your letter of the 18th March regarding the denoting of the Stamp Duty on a duplicate where the Stamp Duty on the original has been adjudicated.

With reference thereto, I am to acquaint you that the Board have reconsidered the practice referred to and they have now given instructions that in future, in such cases, the amount of the duty impressed on the original is to be denoted on the duplicate.

I am, Sir,
Your obedient Servant,
F. GREENWOOD.

The Secretary,
Law Society's Hall.

The Retirement of Sir Homewood Crawford.

The Corporation of the City of London parted company on Thursday from the doyen of its High Officers, Sir Homewood Crawford. The retirement of this veteran, says the *City Press* (21st inst.), represents a very real loss to the corporation he has served with such conspicuous fidelity for close upon forty years. Sir Homewood has been no ordinary officer. Of him it may be said that he has seen official life from the standpoint of one who is a member of the inner circle, and is imbued with a deep reverence for the traditions of the City of London. Practically the whole of his professional career has been spent in the service of the city. Long before he was appointed to the position he now vacates, he was associated with the municipal life of the Guildhall as Under-Sheriff on several occasions. Altogether, therefore, his civic career has extended over a period of upwards of half a century. As City Solicitor, he has at all times been animated by a sincere belief in the cause he has represented, while on many occasions he has been the means of safeguarding the interests of the city, and protecting it against attack in a way few beyond those behind the scenes fully appreciate. In particular, we may instance his appointment as a member of one of the several Royal Commissions which within the last half-century have sat to consider the position of the corporation. On that commission he rendered splendid service until retirement became necessary, as it was evident that there was no desire on the part of his colleagues to approach the subject in any judicial spirit, but merely a deep-rooted determination to bring about the downfall of the city. Sir Homewood has well earned his retirement, and he will carry with him into it the affectionate regard of Corporators and colleagues alike, with their united hope that, in the leisure he will now possess, he may enjoy better helath than has been vouchsafed to him of late.

U.S. Oil Companies and Sherman Act.

The Times correspondent at New York, in a message of 25th June, says: The Government instituted in the Federal Court at Chicago to-day against the Standard Oil Company of Indiana, the Standard Oil Company of New Jersey, and about fifty other companies the most far-reaching anti-trust proceeding for many years. It charged them on many counts with seeking to extort huge sums from manufacturers of petrol and of other petroleum derivatives under the guise of royalties and with many collateral offences, including an attempt to establish for the Standard Company of Indiana a "virtual monopoly of trade and commerce in petrol in 15 States." The Government asked the court for an injunction to restrain the defendant companies from further violations of the Sherman Anti-Trust Act.

The petition charged the primary defendants—the Standard Oil Companies of Indiana and New Jersey, the Standard Development Company, and the Gasoline Products Company—with pooling patents covering improvements in the "cracking" process for the extraction of gasoline and the collecting of royalties therefrom by means of certain restrictive covenants contained in

the licence agreements. The secondary defendants came into the combination petition, it is said, through accepting licences from one or more of the primary defendants.

According to the Government's charge, the companies were virtually perpetuating through a pool a monopoly of patents granted sixty years ago and long since expired. The defendants, it is asserted, sought to restrain licensees in the amount of gasoline they might produce by fixing limitations on production, or by imposing a graduated scale of royalties, which penalised production over a certain amount, and made this over-production unprofitable.

Stock Exchange Prices of certain Trustee Securities.

Bank Rate 4%. Next London Stock Exchange Settlement, Thursday, 10th July.

	Middle Price. 25th June.	Interest Yield. £ s. d.
English Government Securities.		
Consols 2½%	57½	4 7 0
War Loan 5% 1929-47	101$\frac{1}{32}$	4 19 0
War Loan 4½% 1925-45	97½	4 12 0
War Loan 4% (Tax free) 1929-42	102½	3 18 0
War Loan 3½% 1st March 1928	97½	3 12 6
Funding 4% Loan 1960-90	89	4 10 0
Victory 4% Bonds (available at par for Estate Duty)	92½	4 6 6
Conversion Loan 3½% 1961 or after	78	4 10 0
Local Loans 3% 1912 or after	65½	4 12 0
India 5½% 15th January 1932	101½	5 8 6
India 4½% 1950-55	88½	5 2 0
India 3½%	66½	5 5 0
India 3%	57½	5 4 0
Colonial Securities.		
British E. Africa 6% 1946-56	113½	5 6 0
Jamaica 4½% 1941-71	95	4 14 0
New South Wales 5% 1932-42	101	4 19 0
New South Wales 4½% 1935-45	95½	4 14 6
Queensland 4½% 1920-25	100½	4 9 6
S. Australia 3½% 1926-36	84½	4 3 0
Victoria 5% 1932-42	101½	4 18 6
New Zealand 4% 1929	95¼	4 3 6
Canada 3% 1938	83½	3 12 0
Cape of Good Hope 3½% 1929-49	80½	4 7 0
Corporation Stocks.		
Ldn. Cty. 2½% Con. Stk. after 1920 at option of Corpn.	54½	4 12 0
Ldn. Cty. 3% Con. Stk. after 1920 at option of Corpn.	65½	4 11 6
Birmingham 3% on or after 1947 at option of Corpn.	65	4 12 6
Bristol 3½% 1925-65	77	4 11 0
Cardiff 3½% 1935	88	3 19 6
Glasgow 2½% 1925-40	75½	3 6 6
Liverpool 3½% on or after 1942 at option of Corpn.	77	4 11 0
Manchester 3% on or after 1941	66¼	4 10 6
Newcastle 3½% irredeemable	75xd.	4 13 0
Nottingham 3% irredeemable	64½	4 13 0
Plymouth 3% 1920-60	69¼	4 6 0
Middlesex C.C. 3½% 1927-47	83	4 4 6
English Railway Prior Charges.		
Gt. Western Rly. 4% Debenture	88	4 11 0
Gt. Western Rly. 5% Rent Charge	106½	4 14 0
Gt. Western Rly. 5% Preference	104½	4 16 0
L. North Eastern Rly. 4% Debenture	86	4 13 0
L. North Eastern Rly. 4% Guaranteed	84½	4 14 6
L. North Eastern Rly. 4% 1st Preference	81½	4 18 0
L. Mid. & Scot. Rly. 4% Debenture	85	4 14 0
L. Mid. & Scot. Rly. 4% Guaranteed	84½	4 14 6
L. Mid. & Scot. Rly. 4% Preference	81½	4 18 0
Southern Railway 4% Debenture	84½xd.	4 14 6
Southern Railway 5% Guaranteed	103½	4 16 6
Southern Railway 5% Preference	101½	4 18 6

Litigation and Costs.

The piling up of costs was referred to in the Norfolk Assize Court on the 11th inst., says *The Times*, by Mr. Justice Sankey in a case in which Arthur Bargate and Alfred Cornrich, of London, were the plaintiffs, and John William Skinner, of Wrelton Farm, Stoke Ferry, Norfolk, was the defendant. The claim was for money arising out of the sale of a farm, the amount being made up of the balance of tenant right valuation, payable to the outgoing tenant, and also of costs of two arbitration proceedings and certain county court proceedings. Many hours having been occupied by evidence and legal argument, the latter preponderating, his lordship said: "To tell the truth, I am ashamed of this case as a lawyer. I am sorry for both parties. It is shameful litigation. It shows how costs can be piled up, though I do not blame the lawyers."

The action, although complicated, the judge added, arose out of simple circumstances. The only question was how much the outgoing tenant was entitled to for tenant rights, and how much he must pay for dilapidations. Giving judgment for a sum which represented the just and sensible allotment of the difference between tenant right, assessed at £696, and dilapidations, placed at £554, his lordship said he thought this small difference had given rise to the piling up of costs amounting to £1,000.

"It makes me ashamed of the law," his lordship said. "In the old days people used to go out and fight for their rights by violent methods, but now they fight for them in law courts. They have a right to go there, but if they will go they must not complain when the bill of costs comes. In mercy to these parties I want to save them from further litigation. I hope they will have no more of the law for many years."

Stainless Steel Cutlery.

At the Clerkenwell Police Court, on 20th June, says *The Times*, Mr. Gill gave his judgment on summonses against A. W. Gamage, Limited, of Holborn, for on 31st January applying a false trade description to cutlery by means of a card marked "Firths Stainless Cutlery," contrary to s. 2 (1) (*d*) of the Merchandise Marks Act, 1887, and for selling the goods so marked. A further summons was for selling knives having thereon "Firths Stainless" contrary to the provisions of s. 4 of the Statute of the 5th George III., Cap. 7.

The Hon. Fletcher Moulton, for the prosecution, submitted that the label was a representation that the cutlery was made by Messrs. Firth, who did not make it; and that the knives were not stainless when tested with vinegar.

Mr. Arthur Neal, for the defence, said the reason for the summonses was a trade objection to a steelmaker placing his name on cutlery. The real test as to its being stainless was the use by the public of the cutlery for ordinary domestic purposes. The tests applied, he submitted, was not a fair one.

Mr. Gill said the vinegar test was very severe and went beyond the ordinary domestic test, and that part of the prosecution's case was not proved. The description "stainless" was not misleading, and there had been no complaints by the purchasers of thousands of these knives. He also dismissed the summons with regard to the use of the word "Firth" on the blade. But for using the label "Firths Stainless Cutlery," he imposed a fine of £10, with an order to pay fifteen guineas costs. The cutlery was made from Firths' steel, but not by them. He dismissed the summons under the Cutlers Act, and awarded the defendants costs amounting to 205 guineas on the dismissed summonses.

Law Students' Journal.

Incorporated Accountants.

Results of Examinations held 5th, 6th, 7th and 8th May, 1924.

FINAL.

SUMMARY.—Ten candidates were awarded Honours, 167 candidates passed, 112 candidates failed.

Honours candidates in Order of Merit:—

Albert Berina Sturgess (London), Sidney Herbert Sheriff (London) (disqualified for prize by age limit), George James Arthur Rogers, (Berlin), Ernest Henry Sturmer (London), Donald Cuthbert Stone (Great Yarmouth), Isidore Levy (London), Ernest Baden Piggott (Stoke-on-Trent), Godfrey Baillod Lidiard (Portsmouth), Harold Bingham Jones (London), Samuel Rainsbury (London).

INTERMEDIATE.

SUMMARY.—Ten candidates were awarded Honours, 186 candidates passed, 122 candidates failed.

Honours candidates in Order of Merit :—

Arthur William Cockerill (London) (Prize), William Harold Heley (London) (disqualified for prize by age limit), Stanley Bryce (Newcastle-on-Tyne), Frank Phillips (London), James Benjamin Sanderson (Darlington), Doris Marjorie Atkinson (Leeds), Henry Constantine Farrington (Stockport), Harold Wilfred Berry Causey (Torquay), James Lawrence Harris (Middlesbrough), William Albert Chapman (London).

PRELIMINARY.

SUMMARY.—Two candidates awarded Honours, 125 candidates passed, 57 candidates failed.

Honours candidates in Order of Merit :—

Herbert Charles Fletcher (Dublin), Bernard Newby Eason (London).

Legal News.

Dissolution.

HENRY JAMES HOBBS and ALFRED GEORGE HAMILTON, Solicitors, Canada House, 44, Baldwin-street, Bristol (Hobbs and Hamilton), 25th day of March, 1924.

General.

The Special Board for Law at Cambridge have elected F. J. W. Williams, B. Kyanski and C. D. Monahan to Square Scholarships in Law.

Mr. Lewis Alfred Tones Margetts, of Old-street, E.C., solicitor, who died on 14th March, has left £14,502. He gives £200 to Peter Budd, clerk, and £50 to Alfred Storer, Clerk.

Mr. Morris Richardson, of Hurley House, Hurley, near Marlow, Bucks, formerly of Messrs. Richard & Small, solicitors, Burton-on-Trent, has left estate of gross value £40,596, with net personalty £28,341.

Mr. Richard Higham, of Princess-street, Manchester, and of Orchard Field, Whaley Bridge, Cheshire, solicitor, who died on 25th February, aged 73, left estate of the gross value of £9,032, with net personalty £4,369. The testator left £250 to his clerk, Arthur Harper.

Mr. Henry Morgan Veitch, of Norfolk House, Norfolk-street, Strand, W.C., and of Danemere, Seaford, Sussex, solicitor, formerly a well-known member of the Corinthians Football Club, died on 30th April, leaving £11,604.

His Honour Judge Francis Reynolds Yonge Radcliffe, K.C. (72), of the Inner Temple, E.C., and The Rise, Headington Hill, Oxford, County Court Judge for the Oxfordshire Circuit, Recorder of Devizes in 1887, and of Portsmouth in 1904-14, has left estate of gross value £3,833, with net personalty £1,918.

At a meeting of the Senate of the University of London on Wednesday, Professor W. S. Holdsworth, D.C.L., F.B.A., K.C., was appointed Creighton Lecturer for the year 1924-25. His lecture, entitled "The Influence of the Legal Profession on the Growth of the English Constitution," will be delivered at University College in the Michaelmas Term.

From *The Times* of 25th June, 1824 :—His Grace the Duke of Bedford has at length let, on building leases, the whole of the valuable land surrounding Tavistock-square, so that the north and west sides of this picturesque spot will now be finished uniform with the others. This quarter of the town will be exceedingly improved, and the Duke of Bedford's property much increased in value, when these buildings shall be completed.—*Evening paper.*

The Times correspondent at New York, in a message of the 20th inst., says :—Over the protest of the Attorney-General, the Alien Property Custodian and the Treasurer of the United States were ordered yesterday by the Equity Court in Washington to pay $1,354,000 out of a fund of $2,715,571, seized as belonging to the German Government, to eleven banks and individuals who are holders of Imperial German 6 per cent. Treasury Notes. The Attorney-General contended that the United States Government was a preferential creditor of Germany and so should be allowed to keep the whole of the fund. An appeal will be taken from the court's decision.

Portraits of the following Solicitors have appeared in the SOLICITORS' JOURNAL : Sir A. Copson Peake, Mr. R. W. Dibdin, Mr. E. W. Williamson, and Sir Chas. H. Morton. Copies of the JOURNAL containing such portraits may still be obtained, price 1s.

Figures showing the progress of world Labour law resulting from the adoption of the decisions of the International Labour Conference of the League of Nations are contained in the report of the Director of the International Labour Office, M. Albert Thomas, to the sixth annual session of the Conference, which opened at Geneva on Monday. The ratifications of Draft Conventions (formal signature of them as treaties) number 96, as against 51 in October, 1922, the date of the last report. Forty-seven ratifications have been authorized, in addition, in different countries, as against fourteen in 1922, while Governments have recommended to their own national authorities the ratification of 135 Conventions, as against 85 in 1922. Legislative measures adopted, introduced, or prepared to give effect to decisions of the Conference number 181, as against 131 in the earlier report. Between October, 1921, and October, 1922, the total number of ratifications received and authorized was 36, while between October, 1922, and May, 1923, the total was 78.

It was, perhaps, not unnatural, says *The Times* under "City Notes" (26th inst.), that the reference to the word "seaworthy" in the Carriage of Goods by Sea Bill should at first have raised a question in the minds of members of Parliament who had not studied closely the development of this measure. It was raised last year when the Bill was submitted to a Joint Parliamentary Committee. But there was no difficulty in showing then, as there was none on Tuesday, that the Bill solely relates to the terms of the contract between a sea carrier and those whose goods he is to transport. The safety of a ship, as far as life is concerned, is provided for, as the President of the Board of Trade pointed out, in the Merchant Shipping Act and by common law, and nothing in the present measure, with its provisions limited to bills of lading, could possibly affect the existing law. There can be, as has been shown in legal cases, an "unseaworthiness" affecting cargo and leading, possibly, to damage to the goods carried, although, as far as the safety of those on board was concerned, the ship was perfectly seaworthy. The existence of such legal "unseaworthiness" affecting contracts for the carriage of goods makes it essential that seaworthiness shall be provided for in any statement of principles governing bills of lading, but the reference in the Carriage of Goods by Sea Bill has no application whatever to existing provisions for ensuring the safety of life at sea.

Court Papers.

Supreme Court of Judicature.

Date.			ROTA OF REGISTRARS IN ATTENDANCE ON			
			EMERGENCY ROTA.	APPEAL COURT No. 1.	Mr. Justice EVE.	Mr. Justice ROMER.
Monday	June	30	Mr. Synge	Mr. Jolly	Mr. Bloxam	Mr. Hicks Beach
Tuesday	July	1	Ritchie	More	Hicks Beach	Bloxam
Wednesday	....	2	Bloxam	Synge	Bloxam	Hicks Beach
Thursday	.....	3	Hicks Beach	Ritchie	Hicks Beach	Bloxam
Friday	.....	4	Jolly	Bloxam	Bloxam	Hicks Beach
Saturday	.....	5	More	Hicks Beach	Hicks Beach	Bloxam
			Mr. Justice ASTBURY.	Mr. Justice P. O. LAWRENCE.	Mr. Justice RUSSELL.	Mr. Justice TOMLIN.
Monday	June	30	Mr. Ritchie	Mr. Synge	Mr. Jolly	Mr. More
Tuesday	July	1	Synge	Ritchie	More	Jolly
Wednesday	....	2	Ritchie	Synge	Jolly	More
Thursday	.....	3	Synge	Ritchie	More	Jolly
Friday	.....	4	Ritchie	Synge	Jolly	More
Saturday	.....	5	Synge	Ritchie	More	Jolly

Winding-up Notices.

JOINT STOCK COMPANIES.
LIMITED IN CHANCERY.

CREDITORS MUST SEND IN THEIR CLAIMS TO THE LIQUIDATOR AS NAMED ON OR BEFORE THE DATE MENTIONED.

London Gazette.—TUESDAY, June 17.

MAPPIN RUBBER CO. LTD. July 17. Arthur France, West Bar-chmbrs., Boar-lane, Leeds.

EDWIN WHITTINGHAM & SONS LTD. July 5. Duncan E. Campbell, 79, Lichfield-st., Wolverhampton.

LUNE VALLEY ENGINEERING CO. LTD. July 18. Sidney W. Clarke, 31, Castle-hill, Lancaster.

THE GANNOW PULVERISER CO. LTD. July 11. Harry Ramsbottom, Exchange-bldgs., Ellen-st., Nelson.

NICHOLSON & LORD LTD. July 12. Thomas G. Mellors, 1, King John's-chmbrs., Nottingham.

London Gazette.—FRIDAY, June 20.

THE OUSE, HUMBER AND TRENT RIVER CRAFT MUTUAL INSURANCE SOCIETY LTD. July 7. F. A. Holdsworth, Sun-bldgs., 15, Park-row, Leeds.

WALSHE & LEE LTD. July 31. Henry E. Abbott, 5, Fenwick-st., Liverpool.

SOUTH YORKSHIRE ELECTRIC WELDING CO. LTD. July 19. G. W. Yeomans, 25, Market-place, Mansfield.

THE EAST KENT BREWERY CO. LTD. July 19. Edward M. Worsfold, 4, Cambridge-terrace, Dover.

W. PATTINSON & SONS LTD. July 19. Joseph Stephenson, Queen-st Chambers, Peterborough.

Resolutions for Winding-up Voluntarily.

London Gazette.—TUESDAY, June 17.

Pukka Proprietories Ltd.
Robert Croasdale & Sons Ltd.
Wainman & Co. Ltd.
Barker & Hinchcliffe Ltd.
Luna Valley Engineering Co. Ltd.
Co-Operative Farming Ltd.
Coventry Lever Co. Ltd.
Clark & Burnett Ltd.
Tolleys Oils Co. Ltd.
M. Grosse & Co.
Elliotts' (Haywards Heath) Ltd.
The Mersey Steam Trawlers Ltd.
The Usk Vale Agricultural Co. Ltd.
Bingley Son & Follit Ltd.

London Gazette.—FRIDAY, June 20.

Walshe & Lee Ltd.
City of Oran Steamship Co. Ltd.
Appleton & Griffin Ltd.
Self-Sentering Expanded Metal Works Ltd.
African Consolidated Investment Co. Ltd.
James Thornhill & Co. (Auxiliary) Ltd.
Hirst Dronfield Ltd.
Morgans (Tailors) Ltd.
Egypt & Levant Steamship Co. Ltd.
Junior Naval & Military Club Syndicate Ltd.
William Stephenson & Co. Ltd.
Goodalls (Mats) Ltd.
British Marine Air Navigation Co. Ltd.
Surrey Co-operative Egg Society Ltd.
Mechanical Typesetters Ltd.
Ward Publications Ltd.
Braunstone Supply Co. Ltd.
Thornhill Bakeries Ltd.
The Bristol Building & Furnishing Agency Ltd.
Hotel Flamand Ltd.
Oil & Mining Development Syndicate Ltd.
J. & B. Harding Ltd.
Hesco Ltd.
Crisp, Fisher & Co. Ltd.
Briggs, Jones & Gibson Ltd.
Astra Steel & Iron Co. Ltd.
Hawthorn's Patents Ltd.
Brown's Buildings Co. Ltd.
The Chippenham Citadel Co. Ltd.
The Trackless Cars Ltd.
Ilkeston Boiler & Engineering Works Ltd.

Bankruptcy Notices.

RECEIVING ORDERS.

London Gazette.—TUESDAY, June 17.

ARGENT, ALFRED G., Burnham-on-Crouch, Yacht and Boat Builder. Chelmsford. Pet. June 13. Ord. June 13.

BARLOW, PERCY D., Birmingham. Birmingham. Pet. June 12. Ord. June 12.

BENNETT, JACK T., Russell-sq. High Court. Pet. May 5. Ord. June 13.

BIDDLE, WILLIAM A., Birmingham, Builder. Birmingham. Pet June 12. Ord. June 12.

BONSER, JOHN, Whitwick, Leicester, Fishmonger. Burton-on-Trent. Pet. June 12. Ord. June 12.

BREFFITT, WILLIAM, Ulpha, Cumberland. Whitehaven. Pet. June 2. Ord. June 13.

CROSSLEY, CYRUS Cleethorpes. Kingston-upon-Hull. Pet. June 12. Ord. June 12.

DARBEY, LESLIE, Cotham, Bristol. Bristol. Pet. April 25. Ord. June 12.

ETHERIDGE, ALBERT, Leeds, Refreshment Caterer. Leeds. Pet. June 13. Ord. June 13.

HAMMOND, RICHARD, East Sheen, Electrical Engineer. Wandsworth. Pet. June 14. Ord. June 14.

HARMAN, ERNEST B., Streatham. Wandsworth. Pet. May 1. Ord. June 12.

HILL, RICHARD F., Taunton, Licensed Victualler. Taunton. Pet. June 12. Ord. June 12.

JONES, ALBERT R., Cambridge, Painter. Cambridge. Pet. June 13. Ord. June 13.

KINGSTON, THOMAS H., Chatham, Confectioner. Rochester. Pet. June 12. Ord. June 12.

KNOX, JOSEPH C., Middlesbrough, Grocer. Middlesbrough. Pet. June 12. Ord. June 12.

LESSER, HENRY C. P., Beddington, Nurseryman. Croydon. Pet. June 14. Ord. June 14.

LISTER, JOHN G., Bailiffe Bridge, Yorks, Motor Haulage Contractor. Halifax. Pet. June 12. Ord. June 12.

MCKENZIE, F. G., Kingston, Surrey. Kingston. Pet. April 15. Ord. June 12.

MOSS, JOHN W., Halifax, Engineer. Halifax. Pet. June 12. Ord. June 12.

MOTTERSHEAD, THOMAS A., Long Eaton, Derby, Plumber. Derby. Pet. June 12. Ord. June 12.

NICKS, EDWARD G., Bodminster, Bristol, Electrical Engineer. Bristol. Pet. June 14. Ord. June 14.

PARSONS, HOWARD C., Margate, Baker. Canterbury. Pet. June 13. Ord. June 13.

SCHOLFIELD, HARRY, Tunbridge Wells. High Court. Pet. May 15. Ord. June 12.

SELLERS, JESSE, Gainsborough, Watchmaker. Lincoln. Pet. June 13. Ord. June 13.

WEBB, ARTHUR G., and WEBB, STANLEY C., Surbiton, Builders. Kingston. Pet. June 13. Ord. June 13.

WHITEHEAD, EDMUND, Glandford, Norfolk, Miller. Norwich. Pet. April 16. Ord. June 13.

WILLIAMS, DAVID J., Bethania, Llanon, Farmer. Aberystwyth. Pet. June 13. Ord. June 13.

YOUNG, ROBERT, Great Quebec-st., Marylebone, Actor-Manager. High Court. Pet. May 14. Ord. June 12.

London Gazette.—FRIDAY, June 20.

AMES, LIONEL G., Warnham, near Horsham. Brighton. Pet. April 26. Ord. June 17.

ANDREWS, HAROLD, Ampthill, Beds., Licensed Victualler, Bedford. Pet. May 29. Ord. June 17.

BAILEY, W. J., Manchester, Auctioneer. Manchester. Pet. May 30. Ord. June 17.

BAINES, C. HAMILTON, Knowle, Bristol. Bristol. Pet. May 12. Ord. June 16.

BARWICK, WALTER J., Portsmouth, Tobacconist. Portsmouth. Pet. June 17. Ord. June 17.

BLACKWELL, ALICE, Walsall, Beer-house Keeper. Walsall. Pet. June 16. Ord. June 16.

BROWN, THOMAS, Peterborough, Sectional Hut Maker. Peterborough. Pet. June 17. Ord. June 17.

BRUDENELL, LEWIS D., Warmington, Grocer. Peterborough. Pet. June 18. Ord. June 18.

CANN, RICHARD H., Torquay, Baker. Exeter. Pet. June 13. Ord. June 13.

CARDWELL, JAMES, Manchester, Confectioner. Manchester. Pet. May 5. Ord. June 17.

CHAPMAN, PERCY B., Halesworth, Suffolk, Carpenter. Great Yarmouth. Pet. June 17. Ord. June 17.

CHARNLEY, ELIZABETH, Hyde, Builder. Ashton-under-Lyne. Pet. June 16. Ord. June 16.

CLERKE, GEORGE, Finsbury-court, E.C. High Court. Pet. April 14. Ord. June 17.

COLEMAN BROTHERS, Manchester, Merchants. Manchester. Pet. May 16. Ord. June 17.

CRADDOCK, JOHN W. G., Manchester, Licensed Victualler, Manchester. Pet. May 26. Ord. June 17.

DAVIES, JOSEPH, Bootle, Lancs., Company Director. Liverpool. Pet. March 3. Ord. June 18.

DEACON, HOWARD H., Paris, Coal Factor. High Court. Pet. June 17. Ord. June 17.

DRIFFIELD, ERNEST, Llandudno, Draper. Bangor. Pet. June 16. Ord. June 16.

DUNSFORD, PHILLIP E., Barry, Glam., Carpenter. Cardiff. Pet. June 17. Ord. June 17.

EVANS, PERCY T., Redditch, Fishing Tackle Manufacturer. Birmingham. Pet. June 17. Ord. June 17.

GELMAN, HENRY H., Barnes, Cabinet Maker. Southampton. Pet. April 8. Ord. June 18.

HAIGH, EDWARD, Leicester, Boot Dealer. Leicester. Pet. June 18. Ord. June 18.

HERBST, JOSEPH, Cutler-st., Houndsditch, Furriers. High Court. Pet. May 21. Ord. June 18.

HOLMES, CHARLES H., Great Grimsby, late Fish Fryer. Great Grimsby. Pet. June 16. Ord. June 16.

HOLT, HORACE, Lancaster, Confectioner. Preston. Pet. June 14. Ord. June 14.

HUBBARD, HUBERT G., Pershore, Motor Cycle Agent. Worcester. Pet. June 17. Ord. June 17.

HUGHES, EMMANUEL, Southport, Fruiterer. Liverpool. Pet. June 16. Ord. June 16.

HUTCHINSON, GEORGE, Swansea, Wholesale Milliner. Swansea. Pet. June 3. Ord. June 17.

JACKSON, MARJORIE, St. James'-court, Westminster, Costumier. High Court. Pet. April 26. Ord. June 18.

JONES, JARED H., St. Clears, Carmarthenshire, Farmer. Carmarthen. Pet. May 30. Ord. June 17.

JORDAN, WILFRID, T. C., Stretton-under-Fosse, Butcher. Leicester. Pet. June 18. Ord. June 18.

JOWETT, JOHN, Nelson, Coal Merchant. Burnley. Pet. June 18. Ord. June 18.

LEWIS, BENJAMIN, Llanwnen, Cardigan, Motor Mechanic. Carmarthen. Pet. June 18. Ord. June 18.

LOVICK, RONALD D., East Dereham, Hotel Proprietor. Norwich. Pet. May 30. Ord. June 16.

MAINWARING, ROWLAND B., Bembridge, I. of W. Newport. Pet. June 4. Ord. June 18.

METCALFE, ANDREW W., Hitchin, Outfitter. Luton. Pet. June 16. Ord. June 16.

MILLER, S. A., Hatton-garden, China and Glass Merchant, High Court. Pet. May 13. Ord. June 18.

MITCHELL, ROBERT S., Sale, Chester, General Motor Carrier. Manchester. Pet. June 16. Ord. June 16.

NORBURY, FRANK B., Lymm, Chester. Warrington. Pet. June 17. Ord. June 17.

NORTON, ARTHUR I., Leamington, Tobacconist. Coventry. Pet. May 27. Ord. June 17.

O'BRIEN, FREDERICK, Bolton, Shipping Agent. Bolton. Pet. June 18. Ord. June 18.

PRICE, ARCHIBALD T., Pontypridd, Grocer's Manager. Pontypridd. Pet. June 14. Ord. June 14.

REEVE, HENRY J., Stoke-upon-Trent, Grocer. Hanley. Pet. June 16. Ord. June 16.

ROBERTS, HARRY, Birmingham, late Insurance Manager. Birmingham. Pet. June 16. Ord. June 16.

SIDEY, WILLIAM, Ashford, Builder. Windsor. Pet. May 17. Ord. June 16.

STEVENTON, PERCY G., Wroxham. Norwich. Pet. May 30. Ord. June 16.

SWIFT, ARTHUR L., Boroughbridge, Yorks, P... Harrogate. Pet. June 16. Ord. June 16.

TAYLOR, CHARLES H., Wingham, Kent, Farmer. ... bury. Pet. June 17. Ord. June 17.

TAYLOR, WILLIAM, Lancaster-rd., Notting-hill, ... Provision Merchant. High Court. Pet. June 18. ... June 18.

THOMAS JOHN R., Porthgain, Pembrokeshire, ... Haverfordwest. Pet. May 29. Ord. June 14.

UPTON, FREDERIC, Lancaster, late District ... Registrar. Preston. Pet. May 17. Ord. June 17.

WAKEFORD, REGINALD E., Bognor, Butcher. ... Pet. June 16. Ord. June 16.

WALLEY, EDWARD H., Winton, Bournemouth, ... Poole. Pet. June 17. Ord. June 17.

WARD, FREDERICK T. R., Allsop-st., Upper Baker-st., ... Engineer. High Court. Pet. June 17. Ord. June 17.

WATERWORTH, JAMES C., Whittle-le-Woods, nr. ... Lancs., Baker. Preston. Pet. June 16. Ord. June 16.

WILD, WILLIAM H., Liverpool, Oil Broker. ... Pet. June 18. Ord. June 18.

London Gazette.—TUESDAY, June 24.

BAILEY H. M., Maida Vale, Linen Draper. High ... Pet. May 13. Ord. June 20.

BALLARD ALFRED, Barry, Cinema Proprietor. ... Pet. May 20. Ord. June 19.

BECKWITH, WALTER, Leeds, Leather Factor. Leeds. ... June 17. Ord. June 17.

BIRLEY, JOSEPH T., Ipstones, Staffs, Grocer. ... Pet. June 19. Ord. June 19.

BLAND, CHARLES, Northampton Motor Engineer. ... ampton. Pet. June 19. Ord. June 19.

BRUCE, ROBERT, New Washington, Durham, ... Newcastle-upon-Tyne. Pet. June 19. Ord. June 19.

CROFT, ARTHUR J., Hammersmith, Grocer. High ... Pet. June 20. Ord. June 20.

DAVIES, RICHARD E., Llanfair Caereinion, ... Haulage Contractor. Newtown. Pet. June 21. ... June 21.

DECOFSKY, MYER, Walthamstow, Fruiterer. High ... Pet. June 19. Ord. June 19.

DE LUCCHI ATTILIO, Ulverston, Confectioner. ... Pet. June 19. Ord. June 19.

DUNCAN, JOHN G., Southall, Civil Servant. Windsor. ... June 20. Ord. June 20.

FREEMAN, HENRY J. D., Victoria Park-sq., Insurance ... High Court. Pet. May 16. Ord. June 20.

HAGGAR, WILLIAM, Pontardulais, Cinema ... Swansea. Pet. March 14. Ord. June 20.

HEWSON, GEORGE H., Boston, Haulage Contractor. ... Pet. June 7. Ord. June 17.

HUBY, JOHN, and HUBY, FRANK, Doncaster, Watch... Sheffield. Pet. June 18. Ord. June 18.

HUNTER, CLAUDE, Portsmouth, Baby Linen Dealer. ... mouth. Pet. June 19. Ord. June 19.

ISAACS, BARNEY (Male), Spitalfields Market, ... High Court. Pet. May 22. Ord. June 18.

ISLES, ROBERT, Wingham, Kent, Rope and Sack ... Canterbury. Pet. June 21. Ord. June 21.

JAMES, LEWIS, Stockton-on-Tees, Roller. Stockton-on-... Pet. June 20. Ord. June 20.

KINDLER, WILLIAM, Walsall, Photographer. ... Pet. May 26. Ord. June 18.

LINCOLN, JOHN J., Hockley, Essex, Hurdlemaker. ... ford. Pet. May 14. Ord. June 18.

MATTHEWS, CHARLES H., Chadderton, Lancs, Ring ... Overlooker. Oldham. Pet. June 18. Ord. June 18.

MATTHEWS, GEORGE, Shaw, Lancs, Painter. ... Pet. June 20. Ord. June 20.

MCCLARCHIE, WILLIAM R., Nottingham, Scotch ... Nottingham. Pet. June 21. Ord. June 21.

MEDHURST, A. W. B., Wandsworth, Commercial ... Wandsworth. Pet. May 16. Ord. June 19.

PARKINSON, THOMAS, Llanelly, Auctioneer. ... Pet. June 14. Ord. June 19.

PATTERSON, ARTHUR L., Walthamstow, Commercial ... High Court. Pet. April 24. Ord. June 19.

PRINGLE, KENNETH M., Jamaica. High Court. Pet. ... Ord. June 19.

REAT, C. G., & Co., Cheapside. High Court. Pet. ... Ord. June 19.

ROWBOTHAM, ALBERT E., Manchester, Mill ... Manchester. Pet. June 20. Ord. June 20.

ROGERS, EDGAR R., Pontypridd, Theatre Manager. ... pridd. Pet. March 1. Ord. June 19.

SEAMAN, HAROLD, Hanley, Grocer. Hanley. Pet. ... Ord. June 20.

SMITH-ROSS, JACOB, Golders Green. High Court. ... April 25. Ord. June 19.

SMITH, SAP, Leytonstone, Dealer in Live and Dead ... High Court. Pet. May 16. Ord. June 19.

SMITH, RANDOLPH C., Bolton, Joiner. Bolton. Pet. ... Ord. June 18.

SMITH, JOSEPH, Smithy Bridge, near Rochdale, ... Rochdale. Pet. June 19. Ord. June 19.

SOLOMONS, JACOB, Whitechapel, Boot Heel ... High Court. Pet. May 14. Ord. June 19.

STEELE, ARTHUR R. V., Bradford, Oil and Paint ... Bradford. Pet. June 19. Ord. June 19.

SUSMAN, MORRIS, Whitechapel, Theatrical Manager. ... Court. Pet. May 14. Ord. June 19.

TALKS, HARRY, Rochdale, Coal Merchant. ... Pet. June 20. Ord. June 20.

TAM, LOCK AH, Birkenhead, Boarding House ... Liverpool. Pet. June 20. Ord. June 20.

THOMAS, EVAN W., Brynmawr, Corn Merchant. ... Pet. June 17. Ord. June 17.

TUNNICLIFFE, JOHN H., Llantrisant Valley, Farmer. ... Pet. June 20. Ord. June 20.

WARD, SAM, Bury, Master Tailor. Bolton. Pet. ... Ord. June 20.

WEST, WALTER, Bedford Park, Film Producer. ... Pet. May 16. Ord. June 5.

WILLCOCK, HARRY, East Kirkby, Notts, Cycle ... Nottingham. Pet. June 20. Ord. June 20.

WINGATE, SYDNEY, and METCALFE, WILLIAM T., ... upon-Hull, Wholesale Confectioners. Kingston-upon-... Pet. June 19. Ord. June 19.